



APPLICATION ACCEPTED: October 10, 2014
PLANNING COMMISSION: February 18, 2015
BOARD OF SUPERVISORS: March 24, 2015 @ 4:00 pm

County of Fairfax, Virginia

February 4, 2015

STAFF REPORT

**BELMONT BAY FARMS STATEWIDE AGRICULTURAL
AND FORESTAL DISTRICT RENEWAL
APPLICATION AR 92-V-001-02
MOUNT VERNON DISTRICT**



APPLICANT: Belmont Bay Farms, Ltd.
ZONING: R-E
PARCEL: 117-2 ((1)) 2Z, 4Z and 5Z
LOCATION: 10622 Belmont Boulevard, Lorton, VA
SITE AREA: 287.65 acres
PLAN MAP: 0.1 to 0.2 du/ac
PROPOSAL: Renewal of Statewide Agricultural and Forestal District

STAFF RECOMMENDATIONS:

Staff recommends that Appendix E of the Fairfax County Code be amended to renew the Belmont Bay Statewide Agricultural and Forestal District subject to the proposed Ordinance Provisions contained in Appendix 1.

Michael H. Lynskey, ASLA

Excellence * Innovation * Stewardship
Integrity * Teamwork * Public Service

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703-324-1290 FAX 703-324-3924
www.fairfaxcounty.gov/dpz/



It should be noted that approval of an agricultural and forestal district application does not automatically qualify a property for land use value assessment. Upon application to the Department of Tax Administration (DTA) for taxation on the basis of land use assessment, DTA must independently determine if the subject property meets the definition of either agricultural and/or forestal use, as well as the appropriate guidelines, including minimum acreage, for either use, as required by Title 58.1 of the Code of Virginia, which is found in Appendix 10.

It should be noted that it is not the intent of the staff to recommend that the Board, in adopting any Ordinance provisions, relieve the applicant/owner from compliance with the provisions of any other applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.

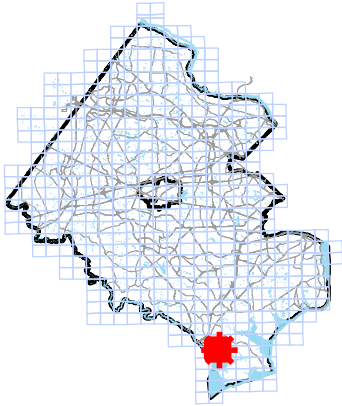
<http://ldsnet.fairfaxcounty.gov/ldsnet/ZAPSMain.aspx?cde=AR&seq=4191270>



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

A&F District Renewal

AR 92-V -001-02



Applicant:

BELMONT BAY FARMS, LTD.

Accepted:

10/10/2014

Proposed:

RENEWAL OF AGRICULTURAL AND FORESTAL DISTRICT AF 92-V-001

Area:

287.65 AC OF LAND; DISTRICT - MOUNT VERNON

Zoning Dist Sect:

Located:

10622 BELMONT BOULEVARD, LORTON, VA 22079

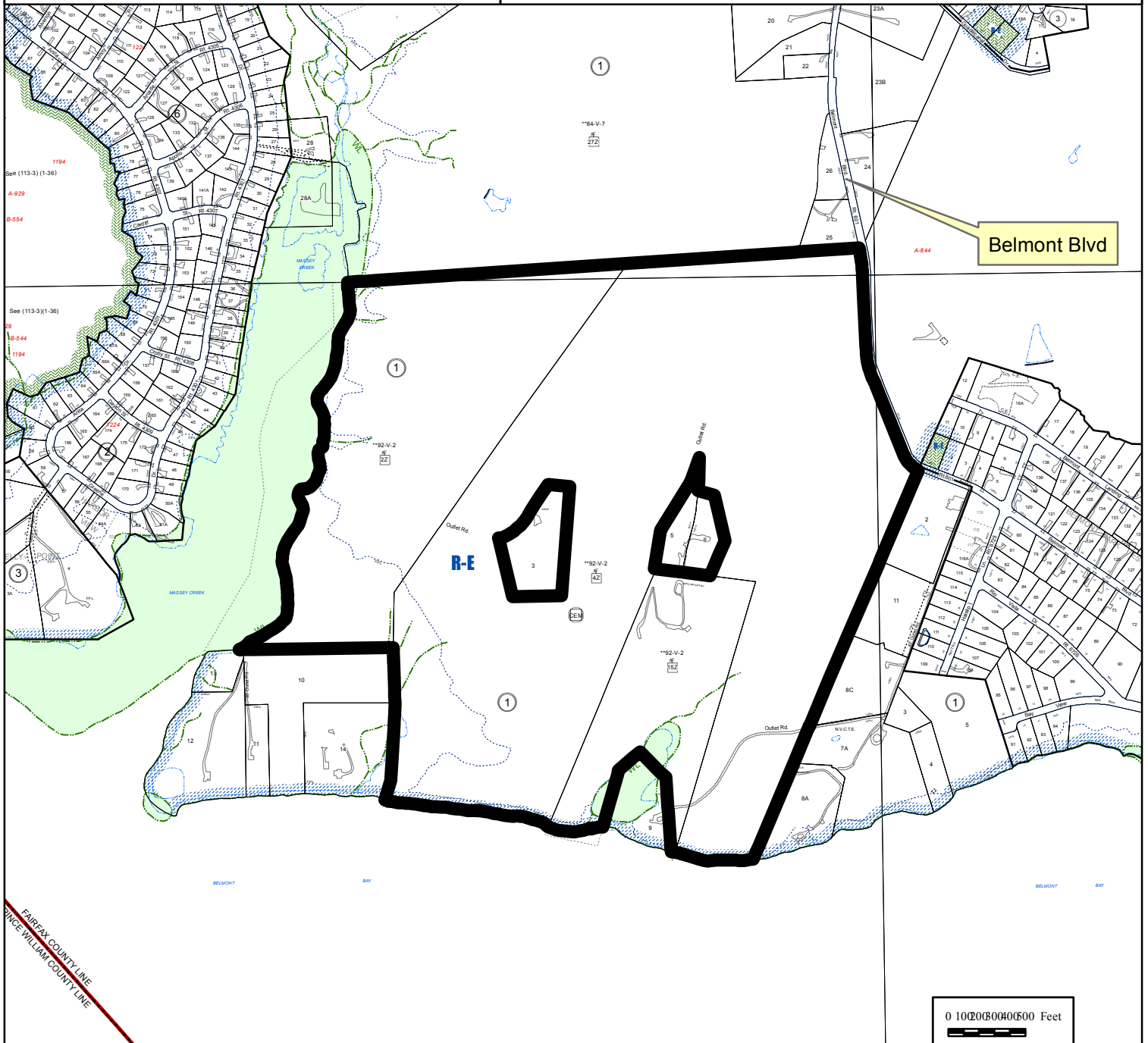
Zoning:

R- E

Overlay Dist:

Map Ref Num:

117-2- /01/ /0002Z /01/ /0004Z
/01/ /0015Z



**A GLOSSARY OF TERMS FREQUENTLY
USED IN STAFF REPORTS WILL BE
FOUND AT THE BACK OF THIS REPORT**

DESCRIPTION OF APPLICATION

A2 92-V-001-02 is a request to renew the Belmont Bay Statewide Agricultural and Forestal (A & F) District for an additional 10-year term (under the provisions of Chapter 114 of the Fairfax County Code). A & F Districts encourage the preservation of significant tracts of agricultural and forested land throughout the County by providing a reduced real estate tax assessment in exchange for a commitment to preserve the land for the length of the term. While certain exceptions are permitted, the land is expected to remain at its present use and development intensity for the extent of the 10-year term. Removal of the district before the conclusion of the term is subject to payment of roll back taxes, per Section 58.1-3237 of the Code of Virginia.



Figure 1: District location map.

A copy of the applicant's application is contained in Appendix 2; Staff's Proposed Ordinance Provisions are contained in Appendix 1.

ZONING BACKGROUND

The 287.65-acre Belmont Bay Farms Local Agricultural and Forestal District was established by the Board of Supervisors for an eight-year period on October 29, 1984, as AF 84-V-002. When the district was first renewed, on February 22, 1993, it was converted to a statewide district (AF 92-V-001), for an additional 10-year period. The statewide district was again renewed (AR 92-V-001) on February 23, 2004, for a ten-year period. The acreage of the district has remained unchanged and there has been no change to the uses within the district during the previous ten-year term. Agricultural production (lambs, wool) and logging have been practiced on this site for most of the past 100 years. Logging actions occurred in 1984 and 1991, with a forestry management plan in place since 1984.

LOCATION AND CHARACTER

The subject property is located on Mason Neck, and is bounded by Belmont Bay to the south, Massey Creek to the west, and Belmont Boulevard to the east.

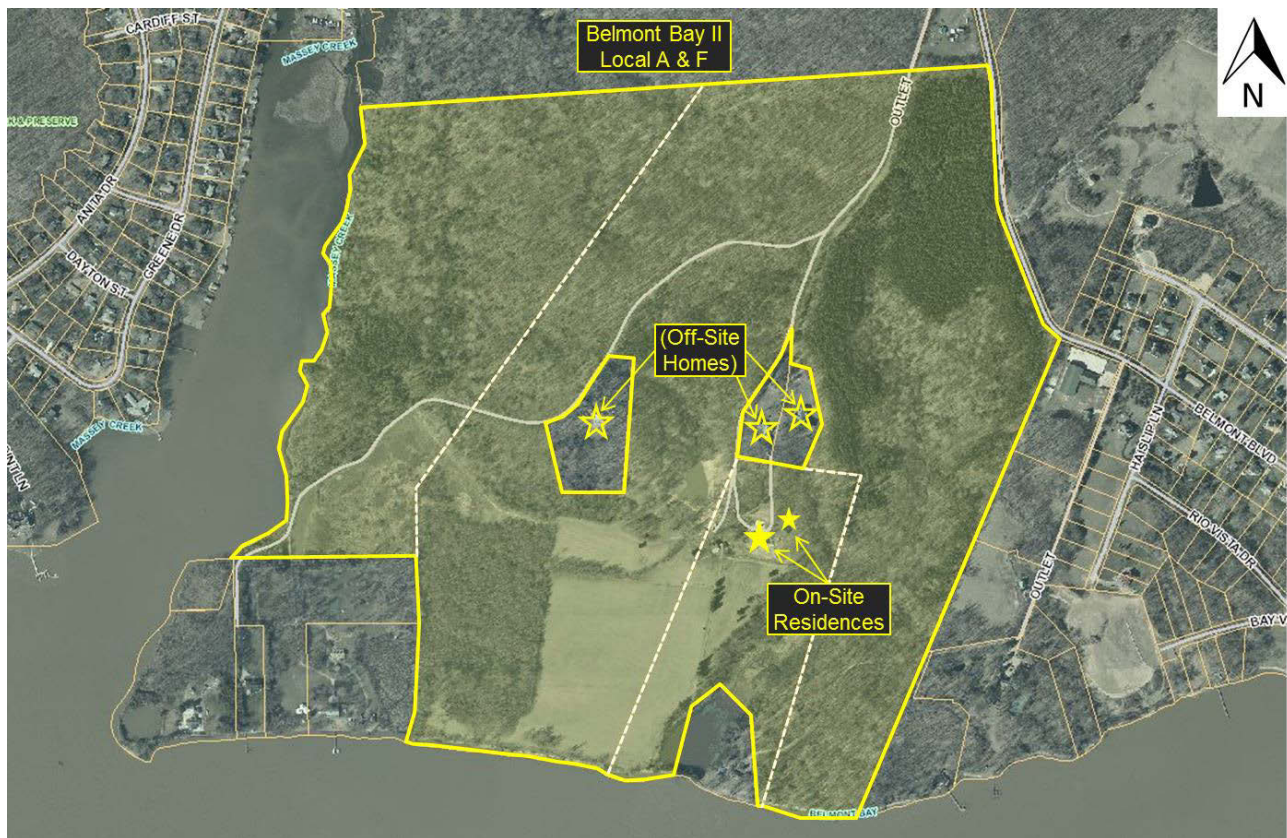


Figure 2: Aerial view of District.

Surrounding Area Description:

The property and surrounding areas consist of forested land and agricultural uses, zoned R-E (Residential Estate) and planned for low-density residential use. The Belmont Bay II Local A & F District (also owned by the applicant) is located directly adjacent to the north, and large-lot residential lots exist to the east and west. The subject district is contiguous, though several residential properties not owned by the applicant are surrounded by the district, and are not included in the application.

Property Description:

Applicant: Belmont Bay Farms, Ltd.

Acreage: 287.65 acres

Uses: Active agricultural uses – 49 acres
Forested or undeveloped – 233 acres
Residential – 5 acres

The 287.65-acre property is primarily forested, with approximately 49 acres used for agricultural use (primarily the raising of sheep for wool and the sale of lambs); approximately 5 acres are in use for two residences. Three ponds exist on the site, as well as several unnamed tributary streams which drain to Belmont Bay. Approximately 57 acres of the site have been identified as Chesapeake Bay Resource Protection Areas (RPAs).

Figure 3: Structures on the Property		
Structure	Year Built	Use
House and Garage	1907	Residential
House	1907	Residential – tenant
Barn	1907	Agricultural
Miscellaneous agricultural and storage buildings	1990	Storage, shelter for livestock.



Figure 4: Existing structures on the property.



Figure 5: View of Belmont Bay from main residence.



Figure 6: The upper pond on the property.



Figure 7: The low-lying pasture area, used for sheep grazing.

COMPREHENSIVE PLAN PROVISIONS

Plan Area:	Area IV
Planning District:	Lower Potomac
Planning Sector:	LP3 – Mason Neck
Plan Map:	Residential use at a density of 0.1 to 0.2 dwelling unit per acre (du/ac).

STAFF ANALYSIS**Land Use Analysis** (Appendix 6)

The Mason Neck area is planned for very low-density single-family residential use and public lands. The Comprehensive Plan encourages the retention of existing forest cover, and the protection of sensitive natural areas and water resources. The renewal of this Agricultural and Forestal District would continue to be compatible with the existing and planned low density residential character for the site and the surrounding area, and is in conformance with Plan goals of preserving the rural and scenic character of the area.

Environmental Analysis (Appendix 6)

The subject property is located in the Mill Branch and Kane Creek Run watersheds of the Occoquan River and contains several tributary creeks. Approximately 57 acres of the site have been identified as Resource Protection Areas (RPAs), according to the County's Chesapeake Bay Preservation Ordinance, and an Environmental Quality Corridor (EQC), as defined by the County Policy Plan, is also located on the subject property. Identified RPA/EQC areas are delineated on a map included in Appendix 6.

The applicant is encouraged to protect and enhance the RPA/EQC areas, and an ordinance provision is proposed that would require designated EQC areas to remain undisturbed, with the exception of routine forest maintenance activities. Renewal of this district would be consistent with Comprehensive Plan goals to preserve and protect this environmentally sensitive area of the County.

Transportation Analysis (Appendix 7)

This application does not represent any conflict with the Countywide Plan transportation recommendations and would have no traffic impact. No projects that would affect the site are included in current construction programs. There are no transportation-related concerns with the application.

Parks Analysis

The Park Authority supports the establishment of A&F districts as they further goals of the FCPA policy manual.

Forestry Analysis (Appendix 5)

The Area Forester inspected the property and found conditions largely the same as during the previous renewal, although the previous Stewardship Management Plan (dated July 8, 2003) was updated with a revised Forestry Management Plan (now dated December 10, 2014). The plan includes a detailed description of the forest conditions on the property and reflects the landowner's objectives of managing the timber on the site, as well as protecting wildlife habitat and unique natural areas. Detailed forest-management recommendations for each portion of the property are included in the report, as guidance to the landowner to achieve the desired objectives while protecting the overall environmental resources of the district.

An Ordinance Provision is proposed that requires the applicant to conform with the recommendations of the Forest Management Plan for the life of the district.

Soil and Water Conservation Analysis (Appendix 4)

A Soil and Water Conservation Plan was prepared by the Northern Virginia Soil and Water Conservation District for the subject property on January 8, 2015, finding the property mostly forested with the exception of the pasture fields (which were in good condition) providing the only agricultural use on the site (grazing of sheep). Two of the ponds on the site were found to contain excessive siltation and were recommended for maintenance measures, which would require permits from the appropriate authorities due to their location in RPA areas. Typical recommendations for nutrient management, pest management, and RPA/floodplain management are also included in the report.

A proposed Ordinance Provision is included requiring that the applicant follow the recommendations of the revised plan, which may be amended if deemed necessary by the Soil and Water Conservation District.

Agricultural and Forestal District Criteria Analysis

Article 1 of Chapter 114 of the Fairfax County Code contains a set of criteria which is designed to serve as a guide in the evaluation of proposed State Agricultural and Forestal Districts. It is important to note that these criteria are a guide to establishing a District; they are not prerequisites. The following is an evaluation of the proposed district's conformance with these criteria:

- (a) *All district acreage should be currently devoted to agricultural use or forestal use or should be undeveloped and suitable for such uses, except that a reasonable amount of residential or other use may be included.*

Of the subject parcels in this renewal application, approximately 49 acres are currently devoted to agricultural use; 233 acres to forestal use; and 5 acres to residential use. The residential uses consist of two historic homes, a barn and several outbuildings, which have all been renovated. Staff believes this is reasonable, given the large size of the proposed district, and therefore, believes that this criterion is satisfied.

- (b) *All lands in the district should be zoned to the R-P, R-C, R-A, or the R-E District.*

The property is zoned R-E; therefore, this criterion is satisfied.

- (c) *The district should be consistent with the Comprehensive Plan. The following land uses identified in the Plan are appropriate for a district: .1-.2 dwelling units per acre; .2 dwelling units per acre; .2-.5 dwelling units per acre; .5-1 dwelling units per acre; Private Recreation; Private Open Space; Public Park; Agriculture; Environmental Quality Corridor.*

The property is planned for residential use at a density of 0.1 to 0.2 dwelling unit per acre (du/ac). Therefore, this criterion has been satisfied.

- (d) *A majority of the surrounding land within one-quarter mile of the district should be planned according to the Comprehensive Plan for uses identified in (c) above.*

All of the land located within one-quarter mile of the proposed district is planned for either residential use, at 0.1 to 0.2 du/acre or private open space. Therefore, this criterion has been satisfied.

- (e) *A majority of the existing surrounding land uses within one-quarter mile of the district should be agricultural, forestall, outdoor recreational, conservation or low-density residential (.5 dwelling unit per acre or less).*

A majority of the land within one-quarter mile of the district is in agricultural or forestal uses, or low-density residential uses (R-E District). Directly to the north is the Belmont Bay II Local A & F District, consisting of approximately 115 acres. To the northeast is the former Meadowbrook Farm A & F District, now the property of the U.S. Bureau of Land Management. Large residential lots (5 to 7 acres) adjoin the property to the east and west. Therefore, staff believes this criterion has been satisfied.

- (f) *Approximately 2/3 of the land (66%) in agricultural use in the district should contain Class I, II, III, or IV soils as defined by the USDA Soil Conservation Service. Districts having more than 1/3 of the land in agricultural use containing Class V-VIII soils may be considered if such lands have been improved and are managed to reduce soil erosion, maintain soil nutrients, and reduce non-point pollution.*

Although the Conservation Plan does not contain a new soil capability analysis, a previous analysis stated that approximately 45 percent of the soils located within the district were within agricultural capability classes II-IV; all of the soils within that area used for agricultural production were within capability classes of II-IV. Staff believes that this analysis is still applicable. Staff believes that this criterion has been satisfied.

- (g) *There should be evidence of a history of investment in farm or forest improvements or other commitments to continuing agricultural or forestal use(s) in the district. In particular, districts with no history of investments in farm or forest improvements must evidence a firm commitment to agricultural or forestal uses for at least the life of the district.*

The applicants acquired this property, which has a long history of agricultural and forestal uses, in the 1940s. The site has been logged for most of the past 100 years, including a selective timber cut in 1984 and a partial clear-cut logging operation in 1991. The areas which were clear-cut have been reforested, and trees in those areas are regenerating. The property has been in the Agricultural and Forestal District program since 1984, and has had a forest management plan and a soil and water conservation plan since that time. Cattle have been raised on the property since the 1950s; prior to cattle the site was used to raise agricultural products, including corn and wheat. Currently, the forestal portions of the property are regenerating and are not yet mature enough for harvest, while the agricultural portions of the property are being used to raise sheep - producing wool (approximately 200 lbs per year) and market sheep/lambs (averaging 15 per year). Property investments in recent years include fencing and extensive repair of the barn and agricultural buildings. Staff believes this criterion has been met.

- (h) *The district should not unreasonably hinder acquisition and construction of public roads, utilities, and facilities needed to serve other areas of planned growth.*

This application does not represent any conflict with planned improvements to public roads, utilities, or facilities in the area.

- (i) *The district's core acreage should be reasonably compact in shape and should not contain within its perimeter a large number of parcels not included in the district.*

There are four residentially-developed parcels of five acres or less located within the district that are not owned by the applicants and are not included in the district. The core of the district, however, is compact in shape. Staff believes this criterion is satisfied.

- (j) *All noncontiguous parcels in the district should contain at least five (5) acres of land in agricultural use or twenty (20) acres in forestall use.*

There are no non-contiguous parcels in the proposed district; therefore, this criterion does not apply.

Based upon staff analysis, this renewal application for the Belmont Bay Farms Statewide Agricultural and Forestal District meets all applicable criteria established in Chapter 114 of the Fairfax County Code as a guide for the review of the renewal of the district.

AFDAC RECOMMENDATION (Appendix 8)

On January 27, 2015, The Agriculture and Forestal District Advisory Committee (AFDAC) voted unanimously to recommend that the Board of Supervisors approve this renewal application, subject to the Ordinance Provisions included as Appendix 1 of this report.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

Staff believes that the renewal application of the Belmont Bay Statewide Agricultural and Forestal District meets the applicable criteria contained in Chapter 114 of the County Code; exceeds the minimum acreage requirement; and is in conformance with the Comprehensive Plan.

Staff Recommendations

Staff recommends that Appendix E of the Fairfax County Code be amended to renew the Belmont Bay Farms Statewide Agricultural and Forestal District subject to the proposed Ordinance Provisions contained in Appendix 1.

It should be noted that approval of an agricultural and forestal district application does not automatically qualify a property for land use value assessment. Following Board action on an application, the Department of Tax Administration must independently determine if the subject property meets the definition of either agricultural and/or forestal use, as well as the appropriate guidelines for either use, as required by Title 58.1, Chapter 32 of the Code of Virginia, which is found in Appendix 10.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any Ordinance Provisions associated with this case, relieve the applicant/owner from compliance with the provisions of any other applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors.

APPENDICES

1. Proposed Ordinance Provisions
2. Application Form / Statement of Justification
3. AR 89-S-004-02 Approved Ordinance (previous renewal)
4. Soil and Water Quality Conservation Plan
5. VA Department of Forestry Memo (2014) and Plan (2006)
6. Land-Use/Environmental Analysis
7. FCDOT Transportation Memo
8. Agricultural and Forestal District Advisory Committee Recommendation
9. Fairfax County Code, Chapter 114 *"Agricultural and Forestal Districts of Statewide Significance"*
10. State of Virginia Code, Title 58.1, Chapter 32
11. Glossary of Terms

ORDINANCE PROVISIONS**February 4, 2015****AR 92-V-001-02**

If it is the intent of the Board of Supervisors to renew the Belmont Bay Farms Statewide Agricultural and Forestal District, as proposed in Application AR 92-V-001-02, pursuant to Chapter 43 of Title 15.2 of the Code of Virginia and Chapter 114 of the Fairfax County Code, on Tax Map Parcels 117-2 ((1)) 2Z, 4Z and 5Z, the staff recommends that the approval be subject to the following Ordinance Provisions:

Standard Provisions (From Chapter 114)

- (1) That no parcel included within the district shall be developed to a more intensive use than its existing use at the time of adoption of the ordinance establishing such district for ten years from the date of adoption of such ordinance. This provision shall not be construed to restrict expansion of or improvements to the agricultural or forestal use of the land.
- (2) That no parcel added to an already established district shall be developed to a more intensive use than its existing use at the time of addition to the district for ten years from the date of adoption of the original ordinance.
- (3) That land used in agricultural and forestal production within the agricultural and forestal district of statewide significance shall automatically qualify for an agricultural and forestal value assessment on such land pursuant to Chapter 4, Article 19 of the Fairfax County Code and to Title 58.1, Section 32 of the Code of Virginia, if the requirements for such assessment contained therein are satisfied.
- (4) That the district shall be reviewed by the Board of Supervisors at the end of the ten-year period and that it may by ordinance renew the district or a modification thereof for another ten-year period. No owner(s) of land shall be included in any agricultural and forestal district of statewide significance without such owner's written approval.

Additional Provisions

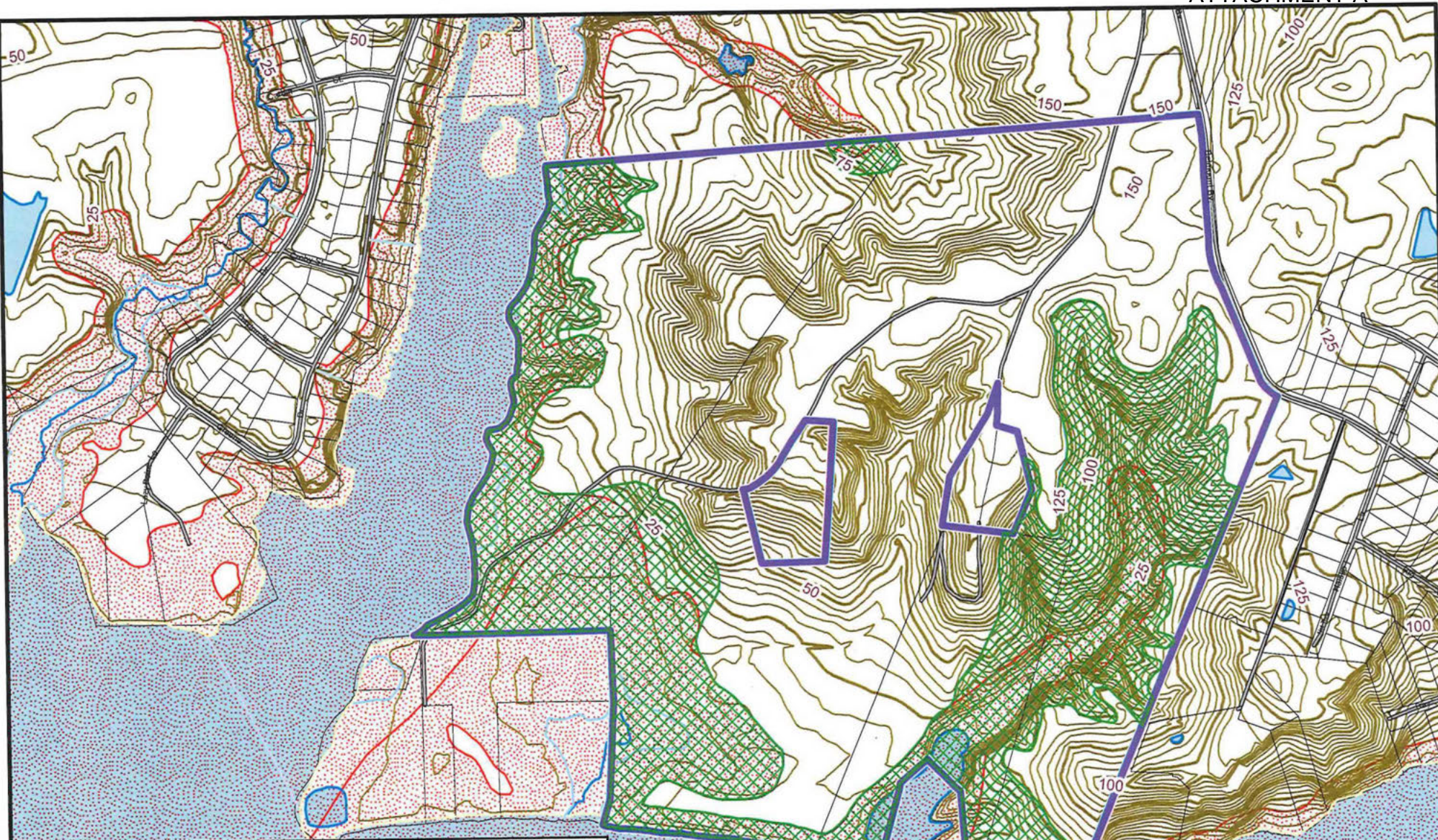
- (5) The boundaries of those areas delineated as Environmental Quality Corridors (EQCs) shall be the permanent limits of clearing and grading for the life of the Belmont Bay Farms Statewide Agricultural and Forestal District (see attached map). EQC areas shall be left undisturbed, with the exception of:
 - a) Existing residential and agricultural uses, including all pasture land, farm-related buildings, residential structures, and surrounding yards. Additional

residential and agricultural activities may be added, provided that no clearing of the EQC is associated with such expansion;

- b) Forest management activities, including selective thinning operations and removal of noxious weeds and invasive species performed to enhance existing vegetation, and the removal of dead, dying, or diseased vegetation, in accordance with the Forest Management Plan, the Virginia Department of Forestry (DOF) guidelines for best management practices (BMPs) for water quality, and as reviewed and approved by DOF and the County's Urban Forestry Division.
- (6) The applicants shall implement and abide by the recommendations of the Forest Management Plan, dated December 10, 2014, for the life of the Belmont Bay Farms Statewide Agricultural and Forestal District. The Forest Management Plan may be updated from time to time as determined necessary by the Area Forester.
 - (7) The applicants shall implement and abide by the recommendations of the Soil and Water Conservation Plan, which was prepared by the Northern Virginia Soil and Water Conservation District on January 8, 2015, for the life of the Belmont Bay Farms Statewide Agricultural and Forestal District. The Soil and Water Conservation Plan may be updated from time to time as determined necessary by the Northern Virginia Soil and Water Conservation District.
 - (8) The Cultural Resource Management and Protection (CRMP) Section of the Fairfax County Park Authority shall be permitted to survey the property and recover artifacts from the property for the life of the Belmont Bay Farms Statewide Agricultural and Forestal District. CRMP shall be notified prior to any land disturbance that requires a permit or prior to any forest-management activities requiring DOF approval. Surveys and other similar activities of CRMP shall be conducted only with the prior permission of the owners of the property and at terms mutually acceptable to both parties established before each occurrence. All surveys and other archaeological activities shall be conducted in a manner which protects the privacy of the sites and the property within the District. All prehistoric and historic artifacts which are found on the property may be loaned to the County for cataloging and study for a period of up to five years, and shall be returned to the property owner at the end of the five year period. The applicant shall adhere to all applicable Federal and State Regulations (including the 1973 Endangered Species Act, as amended) regarding the protection of any endangered species which may be present on-site, as determined by the United States Fish and Wildlife Service and/or the Virginia Department of Game and Inland Fisheries. Should these agencies differ, the U.S. Fish and Wildlife Service shall take

precedence.

- (9) The establishment and continuation of this district depends upon the continuing legality and enforceability of each of the terms and conditions stated in this ordinance. This district may, at the discretion of the Board of Supervisors, be subject to reconsideration and may be terminated if warranted in the discretion of the Board of Supervisors upon determination by a court or any declaration or enactment by the General Assembly that renders any provisions illegal or unenforceable. The reconsideration/termination shall be in accordance with the procedures for the establishment, renewal, or amendment of an A & F District as outlined in Section 114 of the County Code and shall include an opportunity for the property owner(s) to demonstrate that the determination by a court or the declaration or enactment by the General Assembly does not apply to the conditions of this district.



AR 92-V-001-02 Belmont Bay Farms
 Map prepared by the Fairfax County
 Department of Planning & Zoning, December 2014

-  Areas of AR 92-V-001-02
-  Environmental Quality Corridors for AR 92-V-001-02
-  Resource Protection Area



Application No. AR 92-V-001-02APPLICATION FOR THE ESTABLISHMENT OF A
AGRICULTURAL AND FORESTAL DISTRICT

FAIRFAX COUNTY

1. Type of application: Local (☐) Statewide (☒)
Initial (☐) Amendment (☐) Renewal (☒)
2. Please list the Tax Map number, the name and address of each owner and other information for each parcel proposed for this district:

Owner's Name & Address	Tax Map Number	Year Acquired	Zoning District	Acres	
Belmont Bay Farm, Ltd.	117.2-01-0002V&Z	1982	RE	79.4450	(1)
Belmont Bay Farm, Ltd.	117.2-01-0004V&Z	1982	RE	181.7000	(1)
Charles R. Hooff III &					(2)
Gudrun K. Hooff	117.2-01-015V&Z	1986	RE	26.5060	

(1) Transferred to Belmont Bay Farm, Ltd. from Charles R. Hooff, Jr. & Elizabeth D. Hooff in 1982

(2) Transferred to Charles R. & Gudrun K. Hooff III from Charles R. Hooff, Jr. & Elizabeth D. Hooff in 1986

3. Total acreage in the proposed district: 287.6510 acres.
4. Using the definitions on the instruction sheet, indicate the number of properties included in this application: farm 1 forest 2

5. Name, address and telephone number of the property owner or representative who will act as a contact person for this application:

Name: William M. Baskin, Jr.
 Address: Baskin, Jackson & Duffett, PC
301 Park Ave., Falls Church, VA 22046
baskinjack@aol.com
 Telephone: (703) 534-3610

6. Signature of all property owners:

Belmont Bay Farm Ltd
by Charles R. Hooff, III, President

Charles R. Hooff, III

Gudrun K. Hooff

TO BE COMPLETED BY THE COUNTY

Date application accepted:

October 10, 2014

Date of action by Board of Supervisors:

☐ Approved as submitted

☐ Denied

☐ Approved with modifications

Deborah Leslie
Secretary

ALL APPLICANTS

1. List all structures on the property, the year the structure was built and the present use of the structure:

Structure	Year built	Use
House & garage (rehabbed 1986 & 2013)	1907	residential dwelling for Charles Hooff III
House	1907	residential tenant building
Barn	1907	storage and stock shelter
other buildings	1990	stock buildings & storage

use additional page(s) if necessary

2. List any historic sites, as listed on the Fairfax County Inventory of Historic Sites, located on the subject property:

An historic site/sites may located on the property. The County Archeologist will need to opine on this. Both historic and pre historic areas have been explored under the supervision of the County Archeologist.

3. List any improvements made to the property in the past 10 years, including buildings, fencing, equipment, drainage projects, and conservation measures:

Fencing, extensive repair of barn and appurtenant agriculture buildings.
This is an ongoing process.

4. is a Soil and Water Conservation Plan on file with the Northern Virginia Soil and Water Conservation District (NVSWCD): ☒ yes ☐ no

If yes, date prepared: 1983

If no, has an application been filed with NVSWCD: ☐ yes ☐ no

If yes, date submitted: _____

5. List the products and yields from this farm or forest property:

Product	Past year's yield	Average yield for previous 4 years
Forest products	none timber immature	10 cords (1)
Wool	+ none in past year	200 lbs
Live lambs	none in past year	
live rams	15	15/year

1. Forest products are in an immature stage currently, so there is no activity.
2. Sheep are being sold to a vendor who has a religious market for the animals.

FARM PROPERTY

1. Please check the appropriate description of the farm:

☐ Owner-operated, full-time.
☒ Owner-operated, part-time.
☐ Farm manager operated.
☐ Rented to another farmer
 Portion of farm rented: _____ all _____ acres.
 Other. Please describe: _____

2. List the acreage of the property which is in the following uses:

Active agricultural uses	49.0000	acres.
Forested or undeveloped	233.0000	acres.
Residential uses	5.0000	acres.
Total acreage	287.6517	acres.

3. Does the farm operation require that tractors or other slow moving vehicles use public roads: ☒ yes ☐ no

If yes, which roads will be used:

Belmont Blvd _____

4. Please estimate the number of vehicles entering or leaving your farm each day:
 _____ cars, vans and pickup trucks _____ heavy trucks.

FOREST PROPERTY

1. List the acreage of the property which is in the following uses:

Future timber or pulpwood harvesting	233.0000	acres
Christmas tree production and harvesting	0.0000	acres
Firewood production and harvesting	0.0000	acres
Conservation	0.0000	acres
Residential uses	0.0000	acres
Other: _____	_____	acres
Total acreage	233	acres

2. If tree harvesting is planned, what roads or rights-of-way will be used for access:

Belmont Blvd. _____

Statewide Agricultural and Forestal District Criteria Justification

Criteria (a): All of the district acreage is devoted to forestall and agricultural uses except for land immediately surrounding the residence and appurtenant buildings.

Criteria (b): All of the land in the district is zoned R-E.

Criteria (c): The land in the district is shown on the Comprehensive Plan for residential development @ .2 to .5 dwelling units to the acres.

Criteria (d): A majority of the surrounding land located within a quarter of a mile of the district is also shown on the Comprehensive Plan for residential development @ .2 to .5 dwelling units per acre. The area located to the west of the district across Massy Creek is planned or developed 2 .5 to 1 dwelling units per acre. The shore of Massey Creek opposite the district is designated on the Comprehensive Plan as Private Open Space. The parcel to the north and east of the district has been in prior years a Statewide A&F district. The site has been procured by the U.S. Government, and is currently undergoing a zoning change to open space.

Criteria (f): all of the land in the district devoted to agricultural use is either Class II, Class III or Class IV as defined by USDA.

Criteria (g): there has been a long and continuous history of agricultural and forest applications on the site. The site has been logged for most of the 20th century. A selective timber harvest was carried out in 1984, and a clear cut was carried out in 1991. The site has been reforested on a 50-acre tract, which now has timber in the 4" to 8" caliber trees. There is a Forest Management Plan in effect since 1984. The district has had been used as a cattle farm since 1950's. Prior the site had commodity crops. There has been substantial investment in new fencing, barn repairs, and reforestation during the past 10 years. The district is currently a sheep farm. Products are wool, and market lambs.

Criteria (h): The applicants have no knowledge of any impending need for roads, utilities, or

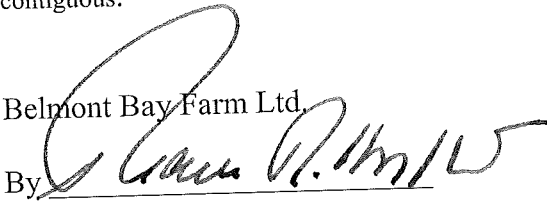
facilities needed to serve other areas of planned growth.

Criteria (i): The district is contiguous. There are seven small developed residential parcels imbedded within the perimeter that are not owned by the applicant nor part of the application. The core of the district is substantial and compact in shape.

Criteria (j): All of the parcels in the district are contiguous.

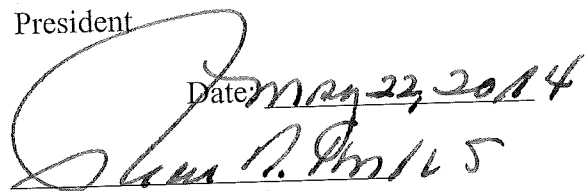
Belmont Bay Farm Ltd.

By


Charles R. Hooff III
President

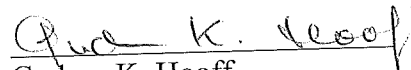
Date:

May 22, 2014


Charles R. Hooff III

Date:

May 22, 2014


Gudrun K. Hooff

Date:

10-04-F

ADOPTION OF AN AMENDMENT TO
APPENDIX F (LOCAL AGRICULTURAL AND FORESTAL DISTRICTS)
OF THE 1976 CODE OF THE COUNTY OF FAIRFAX, VIRGINIA

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Monday, February 23, 2004, the Board after having first given notice of its intention so to do, in the manner prescribed by law, adopted an amendment regarding Appendix F (Local Agricultural and Forestal Districts) of the 1976 Code of the County of Fairfax, Virginia, said amendment so adopted being in the words and figures following, to-wit:

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF FAIRFAX
COUNTY, VIRGINIA:

Amend Appendix F (Local Agricultural and Forestal Districts), as follows:

**E-4. Belmont Bay Farms Statewide Agricultural and Forestal District
(AR 92-V-001)**

(a) The following parcel of land situated in the Mt. Vernon District, and more particularly described herein, is hereby included in the Belmont Bay Farms Statewide Agricultural and Forestal District:

Owner	Fairfax County Tax Map Parcel Number	Acreage
Belmont Bay Farms Ltd.	117-2 ((1)) 2	79.44 acres
Belmont Bay Farms Ltd.	117-2 ((1)) 4	181.70 acres
Charles R. Hooff, III & Gudrun K. Hooff	117-2 ((1)) 15	26.51 acres
Total		287.65 acres

(b) The Belmont Bay Farms Local Agricultural and Forestal District is established effective February 23, 2004, pursuant to Chapter 44, Title 15.2 of the Code of Virginia and Chapter 114 of the Fairfax County Code and is therefore subject to the provisions of those Chapters and the following provisions:

(1) No parcel included within the district shall be developed to a more intensive use than its existing use at the time of adoption of the ordinance establishing such district for ten (10) years from the date of adoption of such ordinance. This provision shall not be construed to restrict expansion of or improvements to the agricultural and forestal use of the land, or to prevent the construction of one (1) additional house within the district, where otherwise permitted by applicable law, for either an owner, a member of the owner's family, or for a tenant who farms the land;

(2) No parcel added to an already established district shall be developed to a more intensive use than its existing use at the time of addition to the district for ten (10) years from the date of adoption of the original ordinance;

(3) Land used in agricultural and forestal production within the agricultural and forestal district of statewide significance shall qualify for an agricultural or forestal value assessment on such land pursuant to Chapter 4, Article 19 of the Fairfax County Code and to Section 58.1-3230 et seq. of the Code of Virginia, if the requirement for such assessment contained therein are satisfied;

(4) The district shall be reviewed by the Board of Supervisors at the end of the ten-year period and it may, by ordinance renew the district or a modification thereof for another ten-year period. No owner(s) of land shall be included in any agricultural and forestal district of local significance without such owner's written approval;

(5) As determined by the Virginia Department of Forestry (DOF) after consultation with the County's Urban Forestry Division of the Department of Public Works and Environmental Services, the boundaries of the Environmental Quality Corridor (EQC) shall be the permanent limits of clearing and grading for the life of the District. (map on file with Department of Planning and Zoning) No activities may be permitted in the EQC except for the following as determined by the DOF after consultation with the County's Urban Forestry Division:

- (a) Existing residential and agricultural uses including all pasture land, farm related buildings, residential structures, and surrounding yards as delineated on the 2003 Conservation Plan. Additional residential and agricultural activities may be added provided that no clearing of the EQC is associated with such expansion;
- (b) The removal of dead, dying, or diseased vegetation; and
- (c) Mixed age forest management in accordance with the DOF guidelines for best management practices (BMPs) to provide water quality benefits and to minimize erosion may be performed provided that: (1) no disturbance or removal of any trees shall be permitted within the required area of undisturbed open space surrounding any bald eagle's nest as required by State and Federal regulation; (2) Any tree removal on steep slopes (15% or greater) shall be limited to the removal of dead and dying vegetation.

This provision does not relieve the applicant from compliance with the Chesapeake Bay Preservation regulations. Prior to any removal of any vegetation within the EQC, the applicant shall submit to the DOF and the County's Urban Forestry Division for review and approval of the following information: (1) a plot sample timber cruise (inventory) for the area of tree removal which depicts the species and diameter distribution of existing marketable trees and identifying the portion thereof which is proposed to be removed; (2) the proposed access to the area of tree removal; and (3) forestry BMPs which provide water quality benefits and include erosion and sedimentation controls. The owner shall submit to inspections by the Virginia DOF and the County's Urban Forestry Division to ensure compliance with this provision;

(6) The applicant shall implement and abide by the recommendations of the Forest Management Plan which was prepared by the State Forester in August 1992 and amended on December 8, 1992, for the life of the Belmont Bay Farms Statewide Agricultural and Forestal District. The Forest Management Plan may be updated from time to time as determined necessary by the State Forester.;

(7) The Heritage Resources Branch of the Fairfax County Park Authority shall be permitted to survey the property and recover artifacts from the property for the life of the Belmont Bay Farms Statewide Agricultural and Forestal District. Surveys and other similar activities of the Heritage Resources Branch shall be conducted only with the prior permission of the owners of the property and at terms mutually acceptable to both parties established before each occurrence. All surveys and other archaeological activities shall be conducted in a manner

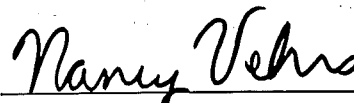
which protects the privacy of the sites and the property within the District. All prehistoric and historic artifacts which are found on the property may be loaned to the County for cataloging and study for a period of up to five years, and shall be returned to the property owner at the end of the five year period;

(8) The applicant shall adhere to all applicable Federal and State Regulations (including the 1973 Endangered Species Act, as amended) regarding the protection of the known bald eagle nest on-site, and any other endangered species which may be present on-site as determined by the United States Fish and Wildlife Service and/or the Virginia Department of Game and Inland Fisheries. Should these agencies differ, the U.S. Fish and Wildlife Service shall take precedence;

(9) The establishment and continuation of this district depends upon the continuing legality and enforceability of each of the terms and conditions stated in this ordinance. This district may, at the discretion of the Board of Supervisors, be subject to reconsideration and may be terminated if warranted at the discretion of the Board of Supervisors upon determination by a court or any declaration or enactment by the General Assembly that renders any provisions illegal or unenforceable. The reconsideration shall be in accordance with procedures established by the Board of Supervisors and communicated to the property owner(s) to demonstrate that the determination by a court or the declaration or enactment by the General Assembly does not apply to the conditions of this district.

This amendment shall become effective upon adoption.

GIVEN under my hand this 23rd day of February, 2004.



NANCY VEHRS

Clerk to the Board of Supervisors



Northern Virginia Soil and Water Conservation District

12055 Government Center Parkway, Suite #905

Fairfax, VA 22035

<http://www.fairfaxcounty.gov/nvswcd/>

Tel: 703-324-1460

Fax: 703-423-1421

---Soil and Water Quality Conservation Plan ---

Property Owner/Operator:

Belmont Bay Farm, LTD.
 (Charles R. Hooff III)
 Agricultural & Forestal District – AF 92-V-001-02
 10622 Belmont Boulevard
 Lorton, VA 22079
 Contact: William M. Baskin, Jr.
 Baskin, Jackson & Duffett, PC
 703-534-3610; Baskinjack@aol.com

Plan Prepared by:

Willie Woode, Senior Conservation Specialist, NVSWCD

Date:

January 8, 2015

Summary of operation:

This property is pending renewal of its agricultural and forestal district status. It is approximately, 288 acres in size, located at 10622 Belmont Boulevard in Lorton. The tract is kept mainly forested for purposes of timber harvesting, as wildlife preserve, and has sectional fields for grazing sheep. Only a few sheep were grazing the fields at the time of my visit. A few chickens and guinea hens are also kept onsite.

The property is located in the Lower Occoquan River Watershed (P-48). A total of 12,870 linear feet of Chesapeake Bay Resource Protection Area (RPA) is delineated within the property limits, bordering Massey Creek and other unnamed tributaries that drain into Belmont Bay. Additionally, three ponds (1, 2 & 3) exist on site.

The pasture fields are the only active form of agricultural land use on site. Approximately two acres of the six-acre portion of field #1 is being planned to be seeded for Millett and/or Sunflower, for purposes of attracting birds for hunting.

Assessment: The stand of grass in the pasture fields does not show signs of over-grazing or active erosion. However, farm owner is concerned about a unique invasive grass that grows tall, with its stems in a ring formation. At the time of my visit, the grass had gone into its winter hibernation state and could not be identified.

Pond # 1 was observed to be in good shape, although vegetation around the edges was scanty. Enhancing vegetative growth around the edges will minimize erosion, and also reduce pond siltation to some degrees.

Ponds 2 & 3 showed signs of needing some overhaul measures, mainly due to siltation. Considering the environmentally sensitive areas in which those two ponds 2 & 3 are located, permits must be obtained from the appropriate agencies before dredging commences.

Practices:

1) Nutrient Management (590):

Nutrients will be applied to pasture fields based on soil test results and recommended applications to provide balanced nutrition for healthy growth.

This plan was developed and signed by a Nutrient Management Planner, certified by the Commonwealth of Virginia's Nutrient Management Program.

Fields	Planned Amount	Month	Year	Applied Amount	Date
Field #1	6.0 acs.	8	2015		
Field #2	13.0 acs.	8	2015		
Field #3	3.5 acs.	8	2015		
Field #4	4.5 acs.	8	2015		
Total	27.0 acs.				

2) Pest Management (595)

Pest Management will be carried out to control agricultural pest infestation (weeds, insects, diseases) according to current recommendations from the Cooperative Extension Service. The Pest Management Guide is updated annually.

During the next growing season of the weed of concern, samples of the grass with its inflorescence should be sent to the Fairfax County Extension service for identification and management recommendations.

Fields	Planned Amount	Month	Year	Applied Amount	Date
Field #1	6.0 acs.	5	2014		
Field #2	13.0 acs.	5	2014		

Field #3	3.5 acs.	5	2014		
Field #4	4.5 acs.	5	2014		
Residential	7.0 acs.	5	2014		
Wooded, Wildlife Reserve	247.65acs.	5	2014		
Pond 1	0.5 ac.	5	2014		
Pond 2	1.5 acs.	5	2014		
Pond 3	4.0 acs.				
Total	287.65 acs.				

3) Chesapeake Bay Resource Protection Area (RPA) Management:

The green shaded area on the map is the county delineated Chesapeake Bay Resource Protection Area (RPA). The RPA is the final barrier through which pollutants contained in runoff from adjacent land areas are filtered. RPAs are required to be kept vegetated to enhance surface filtration and soil infiltration of pollutants. The use of pesticides and nutrient within this zone is not recommended. If any such chemicals must be utilized, it is recommended that the application must be done by a qualified and experienced applicator, under ideal weather conditions.

Fields	Planned			Applied	
	Amount	Month	Year	Amount	Date
Field #1	1330 Ln. ft.	1	2015		
Field #2	430 Ln. ft.	1	2015		
Wooded Wildlife Reserve	11,110 Ln. ft.	1	2015		
Total	12,870 Ln. ft.				

4) Upland and Flood Plain Riparian Forest Management

Natural resource preservation practices for trees, wildlife and their habitats within these zones must be implemented. The forest management plan provided by the Virginia Department of Forestry provides most of the basic practices to protect and enhance forested areas.

Regarding riparian zone management, stream corridors must be inspected at frequent intervals; especially after major storm events to be sure fallen trees or other drifted objects are not lodged such that they enhance erosive conditions within the channel. If such an occurrence is observed, the fallen tree or lodged object should be removed as soon as possible before the next major storm event. Prompt measures should be taken to address any actively eroding bank area. The NSWCD has training staff to provide basic bank stabilization techniques upon request.

Area	Planned Amount	Month	Year	Applied Amount	Date
Wooded Wildlife Reserve	247.65 acs.	1	2015		
Total	247.65 acs.				

5) Pond Maintenance:

Manage existing ponds and their adjacent vegetated buffer areas for water quality improvement and wildlife enhancement purposes. Maintain vegetation stand in buffer areas to improve filtration of pollutants before runoff enters the water body, and to reduce erosion. Additional pond maintenance information can be provided upon request.

Areas	Planned Amount	Month	Year	Applied Amount	Date
Pond 1	0.5 ac.	1	2015		
Pond 2	1.5 acs.	1	2015		
Pond 3	4.0 acs.	1	2015		
Total	6.0 acs.				

6) Record Keeping:

A system of records indicating the dates and applications of nutrients, or pesticides should be developed and maintained. A specimen record sheet is included.

Fields	Planned Amount	Month	Year	Applied Amount	Date
Field #1	6.0 acs.	5	2014		
Field #2	13.0 acs.	5	2014		
Field #3	3.5 acs.	5	2014		
Field #4	4.5 acs.	5	2014		
Residential	7.0 acs.	5	2014		
Wooded, Wildlife Reserve	247.65acs.	5	2014		
Pond 1	0.5 ac.	5	2014		
Pond 2	1.5 acs.	5	2014		
Pond 3	4.0 acs.				
Total	287.65 acs.				

SIGNATURES OF PARTICIPANTS of the BELMONT BAY FARM, LTD
A&F District AR 92-V-001-02 (Charles R. Hooff)

Landowner/Operator:

Charles R. Hooff

Date

Planner:

Wilfred D. Woode

Date

District Authority:

Chairman










Date

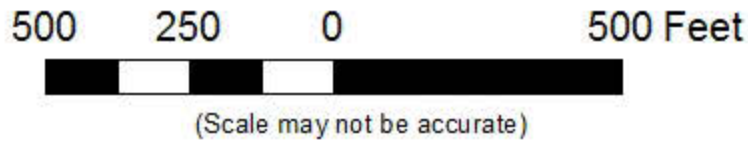
BELMONT BAY FARMS, LTD
10622 Belmont Boulevard
Lorton, VA 22079

Ag. & Forestal District
 AF 92-V-001

287.65 acres

Legend

-  1993 RPAs
 -  2003 RPAs
 -  2003 (Rev) RPAs
 -  Resource Management Areas (RMAs)
 -  Existing fence line
 -  Parcel limits
 -  Property Limits
 -  Change in vegetation type (planned)
 -  Soil types
-
- 74B - Lunt Marumsco Complex
 - 48A - Gunston Silt Loam
 - 91C - Sassafras Marumsco Complex
 - 71C - Kingstowne - Sassafras - Marumsco Complex



Bettina Ring
State Forester



COMMONWEALTH of VIRGINIA

DEPARTMENT OF FORESTRY
12055 Government Center Parkway
Suite 904
Fairfax VA 22035
703-324-1489

December 10, 2014

Charles Hooff III
1707 Duke St
Alexandria, VA 22314

Dear Mr. Hooff,

I am sorry our schedules did not permit us to meet and look at your property. As we discussed on the phone, there has not been much change since I last visited your property when I wrote your Stewardship Management Plan. The attached Belmont Bay Farms Forestry Plan is derived from the Stewardship Plan, but reflects some modifications based on the realities of conducting active management in 21st century Fairfax County.

For your convenience I have provided the County Department of Planning and Zoning and Mr. Baskin with a copy of this letter and the plan I have prepared.

If you have any questions, please do not hesitate to contact me.

Respectfully,

A handwritten signature in black ink, appearing to read "James McGlone", written over a horizontal line.

James McGlone
Urban Forest Conservationist

cc:DPZ; WMB, file

Belmont Bay Farms Forestry Plan

Owner:

Charles Hooff III
1707 Duke St
Alexandria, VA 22314
703-549-6103

Location:

10622 Belmont Blvd
Lorton VA 22079
South of Belmont Blvd and West of Belmont Blvd.

Landowner Objectives:

1. Managing Timber for Income/ Commercial Production
2. Protect Rare, Unique Natural Areas
3. Real Estate Involvement
4. Wildlife Habitat
 - a. Water Fowl
 - b. Bobwhite Quail
 - c. Rare, Threatened or Endangered Species
 - d. Deer/Turkey
 - e. Songbirds
5. Wildlife for Hunting

General Description: This property consists of rolling upland that falls steeply to a flood plain terrace above Belmont Bay, which is connected to the fresh water tidal portion of the Potomac River. The upland portion is hardwood forest and loblolly pine (planted in 1993). Variations in harvest practices have resulted in mixed hardwood stands; areas that were select cut maintain an oak component along with beech and poplar; areas that were clear cut are now largely poplar and sweet gum, with some beech and maple. Most of the flood plain terrace is an open field where sheep are pastured. There is one section of the terrace, which was clear cut in 1993 and has re-grown as an early successional forest of mostly sweet gum and locust. There is a house and several out buildings on the property.

There are three out parcels embedded in the property. These belong to other land owners and are labeled Bozarth, Cave and Edgar on the property map.

Much of this property consists of either steep slopes or areas that are still in recovery from select cut harvests in 1983 or 92 and/or gypsy moth damage. Unless otherwise noted in the parcel descriptions below, these stands should be allowed to continue to recover and be reevaluated in ten years under consideration of future market conditions and management options.

Areas of Special Concern: The entire western boundary of the property is designated a Resource Protection Area (RPA) under the Fairfax County Chesapeake Bay ordinance. There is also an RPA along a small stream in the eastern part of the tract (see attached RPA map). RPAs are lands designated by Fairfax County along perennial streams to protect water quality in the Chesapeake Bay. The purpose of the RPA designation is to protect forested riparian buffers and county code prohibits the removal of any vegetation within an RPA. However, section 9VAC10-20-120 of the Virginia Administrative Code specifically exempts silvicultural activities from restrictions in RPAs, provided they adhere to the January 1997 edition of "Forestry Best Management Practices for Water Quality in Virginia Technical Guide."

The area west of the pasture that is overgrown with sweet gum is also designated as an RPA and the county soil map lists the soils as wetland. This area is a freshwater tidal forested wetland and may be subject to regulation by the Army Corps of Engineers and/or the Virginia Department of Environmental Quality as jurisdictional wetlands. Section 404 of the Clean Water Act provides for nationwide permits for disturbance of wetlands and such a permit exists for silviculture, again provided forestry BMPs are adhered to during any silvicultural practice.

Deer Management. The most pressing problem of sound forest management in Fairfax County is managing deer herds. Due to deer browsing we are missing an entire age class of trees throughout the County and the youngest canopy trees in most forest parcels are about 30 years old. That equates to more damage than gypsy moths (and probably all other mortality sources combined) have been able to inflict. While the deer do not threaten our existing trees, they do make regeneration of the forest impossible and lead to the prospect that forests will disappear from Fairfax County over the next hundred years.

I note that you are hunting the property and are getting regeneration of beech and holly. I also noted no significant browse on the holly and mountain laurel. These are starvation foods for deer, and the absence of browse means either the deer are finding enough other food in the area or your efforts have succeeded in lowering the herd below the biological carrying capacity of the property. However there is still no regeneration of oak, which means the herd is still above the sustainable level for oak forest. The forest resource here would benefit from additional deer management effort focused on removing does.

Water Quality: The generally forested nature of the property provides excellent water quality protection to Belmont Bay, the Potomac River and the Chesapeake Bay. One area of concern, however, is the small stream in the eastern portion of the property. Channel incision and head cuts were observed in this stream. Both of these problems are associated with increased storm flow. If incising and head cutting are active, they are most likely the result of off-site land use. The channel incision and head cuts may also have been the result of the temporary increase in storm water flow associated with the 1993 harvest operation. In either event, extra care should be taken to reduce storm flows following harvest operations. This can best be accomplished by leaving slash in place during and after the harvest.



Virginia Department of Forestry

Protecting and Developing Healthy, Sustainable Forest Resources

Belmont Farms

Stewardship Map for Charles Hooff III



The Stewardship Property encloses 3 other properties labeled Cave, Edgar and Bozarth. Tract Name: Belmont Farms Tract #FAX93006

Map By:

Report Date: Thursday, May 24, 2007

Parcels A-1 and A-2 (Loblolly Plantation)

Acres: 31.3 Total

Forest Type: Loblolly Pine plantation with poplar and sweet gum intrusion.

Species Present: Loblolly Pine, Sweet Gum, Tulip Poplar

Age: 15 years

Size: Pole to chip and saw (8 to 14 inches in diameter)

Quality: Good

Trees/acre: Over stocked (Basal area of 120 to 160 square feet per acre)

Growth Rate: Fair to good

Height: 40 to 50 feet

History: This area was clear cut and bulldozed in 1992, with slash piles burned. It was then planted at a prescribed 550 stems per acre. Based on field measurements the pines appear to have been planted on 9' by 6' centers yielding approximately 864 trees per acre. There is no record of release being performed on the parcel, though it was recommended.

RECOMMENDATIONS:

The parcel has the opportunity to produce good quality timber, but needs to be thinned to realize this potential. Although the Loblolly trees are in good condition with over one-third their height in canopy, they are overcrowded. By reducing basal area to 50 to 60 square feet per acre, or removing one half to two thirds of the trees, the remainder will have more room and resources to grow. Thinning will also maintain tree health and resistance to insects and disease and may improve wildlife habitat.

Thinning should be done from the bottom up, preferentially taking smaller trees by removing every third row of trees and selectively removing trees from the remaining rows. Hardwoods should also be removed at this time. If commercial thinning cannot be done, fuel management should be undertaken to reduce the risk of wildfire after thinning. Note, however, that small fuels decompose rapidly in Virginia and return nutrients to the soil. Some of the cut material, particularly the tree tops and branches can be left on the site to act as a time release fertilizer. Fuel reduction could also be accomplished with a prescribed burn.

Parcels B-1 and B-2

Acres: 29.3 Total

Forest Type: Mixed hardwood

Species Present: Poplar, Sweet Gum, Red Maple, Virginia Pine, Beech

Age: 15 years

Size: Pole (4 to 8 inches in diameter)

Quality: Fair

Trees/acre: Over stocked

Growth Rate: Fair to good

History: This area was clear cut and bulldozed in 1991-2, with slash piles burned. It was not planted and has grown up mostly in volunteer poplar and sweet gum with some red maple and Virginia pine mixed in. There is a bald eagle nest in or near the SW corner of parcel B-2.

RECOMMENDATIONS:

This stand is starting to sort itself out and shows promise as an eventual poplar-sweetgum stand. Allow this stand to continue to evolve on its own.

Parcel C

Acres: 5.5

Forest Type: Mixed hardwood

Species Present: Poplar, Sweet Gum, Red Maple, Locust

Age: 24 years

Size: Pole to small saw timber

Quality: Fair

Trees/acre: Over stocked

Growth Rate: Fair to good

History: This area was part of the 1983 select cut. The area was apparently cut harder or suffered more gypsy moth damage than other parts of the 1983 harvest. It consists of small to medium diameter trees generally under 15 inch DBH.

RECOMMENDATIONS:

This area shows some potential for producing poplar timber; however it will need to have a crop tree release preformed on the parcel to realize that potential. As with the Loblolly Pine parcel, fuel management should be considered after crop tree release.

Unlike parcels B-1 and B-2, it has a relatively small poplar component and release at this time will leave it under stocked. There are some larger trees in the stand and it might be better to allow this stand to grow for five or more years and then perform a shelterwood or seed tree cut. Shelterwood cuts remove 40% to 60 % of the basal area of the stand and leave behind mature trees to act a seed source and provide protection for natural regeneration of the stand. Once regeneration is advanced the mature trees left at the time of the initial cut are removed. A seed tree cut is similar but more trees are removed in the initial harvest and only a few are left behind as a seed source. Both are good practices for regenerating hardwood stands.

One issue with managing this parcel is its small size. Its management should be coordinated with parcels G and H

Parcel D

Acres: 24.3

Forest Type: Oak

Species Present: Chestnut Oak

Age: 50+ years

Size: Saw timber (20+ DBH)

Quality: Good

Trees/acre: Slightly under stocked

Growth Rate: Fair

History: This area was select cut in 1983 and later suffered from heavy gypsy moth damage.

RECOMMENDATIONS:

On the north and the west the area is bounded by abrupt changes in topography, soils and vegetative community. The chestnut oak is in good shape and should be allowed to grow.

Parcel E

Acres: 8.2

Forest Type: Hardwood

Species Present: Poplar, Sweet Gum, a few oaks and red maple

Age: 15 years

Size: Pole size

Quality: Fair

Trees/acre: Over stocked

Growth Rate: Good

History: This area was clear cut in 1992. It was not planted and intended to be open field. The stumps were too high to maintain as field by mowing and it has grown up as mostly sweet gum with a major poplar component and a few red maple and oaks in the higher ground. This area is bordered on the south by a fresh water tidal forested wetland.

RECOMMENDATIONS:

This parcel borders a swamp and is designated as an RPA. The boundaries of this parcel, and the swamp and locust parcels to the south are based on topographical map data. Like stands B-1 and B-2, the volunteer regeneration here should be allowed to progress to a mature stand.

Parcel F

Acres: 3.3

Forest Type: Hardwood

Species Present: Locust

Age: 15 years

Size: Pole size

Quality: Fair

Trees/acre: well stocked

Growth Rate: Fair

History: This area was clear cut in 1992. It was not planted and intended to be open field. The stumps were too high to maintain as field by mowing and it has grown up as mostly locust. This area is bordered on the north by a fresh water tidal forested wetland.

RECOMMENDATIONS:

This area should be cleared of the locust. It has the potential to be marketed as firewood, but it should be a complete harvest of the entire area, rather than a truck load at a time. It could also be marketed for fence posts; cut locust is rot resistant and has long survivability in contact with the soil.

Parcel G

Acres: 7.1

Forest Type: Hardwood

Species Present: Sweet Gum

Age: 15 years

Size: Pole size

Quality: Fair

Trees/acre: Over stocked

Growth Rate: Fair

History: This area was clear cut in 1992. It was not planted and intended to be open field. The stumps were too high to maintain as field by mowing and it has grown up as mostly sweet gum. This area is a fresh water tidal forested wetland and is subject to regulation by the Army Corps of Engineers, the Virginia Department of Environmental Quality, and is designated as an RPA by the Fairfax County Government.

RECOMMENDATIONS:

The regulatory hurdles combined with the physical limitations, economic considerations and the wildlife value suggests that the best thing to do in this area is nothing. This area has considerable wildlife value. The deeper permanent pools can serve as a secure breeding habitat for amphibians. American sweet gum seeds are eaten by eastern goldfinches, purple finches, mourning doves, northern bobwhites, and wild turkeys. Small mammals such as chipmunks and gray squirrels also enjoy the fruits and seeds

Cypress and water oak are the only commercial species that might grow here and they would be in constant competition with the established sweet gum. Management here would require many years of herbicidal and/or mechanical control of sweet gum until the crop trees reached sufficient size to shade out the sweet gum. Additionally sweet gum does have some commercial value as furniture, veneer, and flooring wood.

This area is both a county RPA and a jurisdictional wetland. Although there is a Federal Clean Water Act Section 404 Nationwide Permit for on going silviculture, there is some question about whether this site will automatically qualify for the Section 404 permit, since it has not been actively managed for 15 years. Should you choose to engage in management here remember: both exemptions make the January 1997 edition of "Forestry Best Management Practices for Water Quality in Virginia Technical Guide" mandatory.

Parcel H

Acres: 63.2

Forest Type: Hardwood

Species Present: Beech, Tulip Poplar, Black Gum, and some Oak along southern boundary.

Age: 50+ years

Size: Mostly saw timber

Quality: Good

Trees/acre: Slightly under stocked

Growth Rate: Fair

History: This area was select cut in 1988. It was later infested by gypsy moth and lost most of its oak component.

RECOMMENDATIONS:

This area is still recovering from the harvest operations and gypsy moth infestation. This parcel has some potential to be managed for tulip poplar. However, at this time it is recommended that nothing be done and the parcel be reevaluated in 10 years for future management. The species present are not of high commercial value and 10 years more growth will increase the total value of the stand. Continued efforts to reduce the deer population will help foster regeneration of this stand and the rest of the forest resources on this property.

Parcel I

Acres: 48.5

Forest Type: Hardwood

Species Present: Beech, Tulip Poplar, Black Gum, White Oak

Age: 50 years

Size: Mostly saw timber

Quality: Good

Trees/acre: Slightly under stocked

Growth Rate: Fair

History: This area was lightly select cut in 1993. It was more lightly affected by gypsy moth than parcel H and retained more of its oak component, especially in the southern uplands.

RECOMMENDATIONS:

This area is still recovering from the harvest operations and gypsy moth infestation. This parcel has some potential to be managed for Oak. However, at this time it is recommended that nothing be done and the parcel be reevaluated in 10 years for future management. Continued efforts to reduce the deer population will help foster regeneration of this stand and the rest of the forest resources on this property.

Field 1

Acres: 10.8

Forest Type: Open Field

Species Present: Grasses, Sweet Gum, Phragmites

Age: 15 years

History: This area was clear cut in 1992. It has been maintained as an open field since then. The main grass is fescue. The field is being invaded by sweet gum, *Phragmites australis*, black berries, and is threatened by the bamboo planted by the neighbor.

RECOMMENDATIONS:

Follow the soil conservation plan prepared by the Northern Virginia Soil and Water Conservation district or continue to allow colonization by sweetgum. Note that cutting only encourages sweetgum by releasing stem buds in the roots system. If you wish to remove sweetgum from the field you must either burn repeatedly or apply herbicides.

Field 2

Acres: 25.7

Forest Type: Open Field

Species Present: Grasses

Age: Unknown

History: This area has been open field at least since 1983. The north portion is fenced from the southern portion and there is a drainage that runs along the fence line. The southern portion is or has been hayed or mowed.

RECOMMENDATIONS:

Follow the recommendations of the soil conservation plan prepared by the Northern Virginia Soil and Water Conservation District.



County of Fairfax, Virginia

MEMORANDUM

Date: January 5, 2015

TO: Barbara C. Berlin, Director
Zoning Evaluation Division, DPZ

FROM: Pamela G. Nee, Chief *PAN*
Environment and Development Review Branch, DPZ

SUBJECT: Land Use Analysis & Environmental Assessment for: AR 92-V-001-02
Belmont Bay Farms, Ltd. Agricultural & Forestal District

This memorandum, prepared by Brenda Cho, includes citations from the Comprehensive Plan that list and explain land use recommendations and environmental policies for this property. The extent to which the application conforms to the applicable guidance contained in the Comprehensive Plan is noted.

DESCRIPTION OF THE APPLICATION

The applicant seeks approval to renew an approximately 288-acre Statewide Agricultural and Forestal (A & F) District, which encompasses three parcels [Tax Map Parcels 117-2 ((1)) 2Z, 4Z and 15Z]. The application site is located in the LP3 – Mason Neck Community Planning Sector in the Lower Potomac Planning District within the Mount Vernon Magisterial District. The parcels are owned by the Hooff family, and there are residential structures and stock and storage related buildings on site. Agricultural activities include forest products, wool production and live lambs and rams.

LOCATION AND CHARACTER

The subject property is located in the southeast quadrant of the county in the Mill Branch and Kane Creek Run watersheds of the Occoquan River and zoned R-E (Residential Estate District). Generally, this Agricultural and Forestal District is surrounded by land which is also zoned R-E and planned for residential use at .1-.2 dwelling unit per acre (du/ac). There is another A & F District to the north. The site is bounded by Massey Creek to the west, Belmont Bay to the south, and Belmont Boulevard to the east. The subject property is mostly forested with slopes throughout the site. There are a couple of

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streams on site, and the stream areas have been identified as Resource Protection Areas (RPA), which cover approximately 57 acres of the site.

COMPREHENSIVE PLAN MAP

Residential use at .1-.2 dwelling unit per acre (5-10 acre lots)

COMPREHENSIVE PLAN CITATIONS

The Comprehensive Plan is the basis for the evaluation of this application. The assessment of the proposal for conformity with the land use and environmental recommendations of the Comprehensive Plan is guided by the following citations from the Plan:

Land Use

In the Fairfax County Comprehensive Plan, 2013 Edition, Area IV, Lower Potomac Planning District, Amended through June 3, 2014, LP3-Mason Neck Community Planning Sector, Pages 108 - 118:

“Land Use

Figure 37 indicates the geographic location of land use recommendations for this sector. Where recommendations are not shown on the General Locator Map, it is so noted.

1. This sector is planned for very low-density single-family residential use at up to .1 dwelling unit per acre. As an option, a density of up to .2 dwelling unit per acre may be appropriate if it is clustered and results in the preservation of EQC and other sensitive lands, provides substantial land in privately protected open space or public ownership, and contributes to maintaining the rural character of Mason Neck. Development at the baseline and optional levels should only occur where suitable soils allow for septic systems.

Most new development on Mason Neck will occur on lots of two acres or larger. On lots of this size it is possible to preserve features of ecological value and to minimize the impacts of development on wildlife and water quality. These practices are known collectively as minimum impact development techniques. New large lot development on Mason Neck should:

- Limit site disturbance for individual lots;
- Site homes on the least sensitive portion of each lot;
- Maintain open space in an undisturbed state or actively manage it to enhance habitat value;

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- Link open space within lots to adjacent park land and EQCs;
- Minimize the amount of new impervious surface on individual lots;
- Discourage the building of fences and other barriers in identified wildlife corridors;
- Retain existing forest cover and encourage re-vegetation of cleared areas with native plant species that have a high value as a food source for desirable species of wildlife; and,
- Encourage the use of small on-lot bioretention facilities for stormwater management.

Any additional residential development above the planned density range may undermine the rural character of the sector and exacerbate septic system problems which are being experienced on some properties.”

Environment

In the Fairfax County Comprehensive Plan, 2013 Edition, Policy Plan Volume, Environment, as amended through July 1, 2014, on pages 7-9:

“Objective 2: Prevent and reduce pollution of surface and groundwater resources. Protect and restore the ecological integrity of streams in Fairfax County.

Policy a. Maintain a best management practices (BMP) program for Fairfax County and ensure that new development and redevelopment complies with the County’s best management practice (BMP) requirements.

Policy d. Preserve the integrity and the scenic and recreational value of stream valley EQCs. . . .

Policy l. In order to augment the EQC system, encourage protection of stream channels and associated vegetated riparian buffer areas along stream channels upstream of Resource Protection Areas (as designated pursuant to the Chesapeake Bay Preservation Ordinance) and Environmental Quality Corridors. To the extent feasible in consideration of overall site design, stormwater management needs and opportunities, and other Comprehensive Plan guidance, establish boundaries of these buffer areas consistent with the guidelines for designation of the stream valley component of the EQC system as set forth in Objective 9 of this section of the Policy Plan. Where applicable, pursue

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commitments to restoration of degraded stream channels and riparian buffer areas.

Development proposals should implement best management practices to reduce runoff pollution and other impacts. Preferred practices include: those which recharge groundwater when such recharge will not degrade groundwater quality; those which preserve as much undisturbed open space as possible; and, those which contribute to ecological diversity by the creation of wetlands or other habitat enhancing BMPs, consistent with State guidelines and regulations.”

In the Fairfax County Comprehensive Plan, 2013 Edition, Policy Plan Volume, Environment, as amended through July 1, 2014, on page 10:

“Objective 3: Protect the Potomac Estuary and the Chesapeake Bay from the avoidable impacts of land use activities in Fairfax County.

Policy a. Ensure that new development and redevelopment complies with the County's Chesapeake Bay Preservation Ordinance.
...”

In the Fairfax County Comprehensive Plan, 2013 Edition, Policy Plan Volume, Environment, as amended through July 1, 2014, on pages 14 and 15:

“Objective 9: Identify, protect and enhance an integrated network of ecologically valuable land and surface waters for present and future residents of Fairfax County.

Policy a: Identify, protect and restore an Environmental Quality Corridor system (EQC). . . . Lands may be included within the EQC system if they can achieve any of the following purposes:

- Habitat Quality: The land has a desirable or scarce habitat type, or one could be readily restored, or the land hosts a species of special interest. This may include: habitat for species that have been identified by state or federal agencies as being rare, threatened or endangered; rare vegetative communities; unfragmented vegetated areas that are large enough to support interior forest dwelling species; and aquatic and wetland breeding habitats (i.e., seeps, vernal pools) that are connected to and in close proximity to other EQC areas.
- Connectivity: This segment of open space could become a part of a corridor to facilitate the movement of wildlife and/or conserve biodiversity. This may include natural corridors that are wide enough to

facilitate wildlife movement and/or the transfer of genetic material between core habitat areas.

- Hydrology/Stream Buffering/Stream Protection: The land provides, or could provide, protection to one or more streams through: the provision of shade; vegetative stabilization of stream banks; moderation of sheet flow stormwater runoff velocities and volumes; trapping of pollutants from stormwater runoff and/or flood waters; flood control through temporary storage of flood waters and dissipation of stream energy; separation of potential pollution sources from streams; accommodation of stream channel evolution/migration; and protection of steeply sloping areas near streams from denudation.
- Pollution Reduction Capabilities: Preservation of this land would result in significant pollutant reductions. Water pollution, for example, may be reduced through: trapping of nutrients, sediment and/or other pollutants from runoff from adjacent areas; trapping of nutrients, sediment and/or other pollutants from flood waters; protection of highly erodible soils and/or steeply sloping areas from denudation; and/or separation of potential pollution sources from streams.

The core of the EQC system will be the County's stream valleys. Additions to the stream valleys should be selected to augment the habitats and buffers provided by the stream valleys, and to add representative elements of the landscapes that are not represented within stream valleys. The stream valley component of the EQC system shall include the following elements . . . :

- All 100 year flood plains as defined by the Zoning Ordinance;
- All areas of 15% or greater slopes adjacent to the flood plain, or if no flood plain is present, 15% or greater slopes that begin within 50 feet of the stream channel;
- All wetlands connected to the stream valleys; and
- All the land within a corridor defined by a boundary line which is 50 feet plus 4 additional feet for each % slope measured perpendicular to the stream bank. The % slope used in the calculation will be the average slope measured within 110 feet of a stream channel or, if a flood plain is present, between the flood plain boundary and a point fifty feet up slope from the flood plain. This measurement should be taken at fifty foot intervals beginning at the downstream boundary of any stream valley on or adjacent to a property under evaluation."

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In the Fairfax County Comprehensive Plan, 2013 Edition, Policy Plan Volume, Environment, as amended through July 1, 2014, on page 18:

“Objective 10: Conserve and restore tree cover on developed and developing sites. Provide tree cover on sites where it is absent prior to development.

Policy a: Protect or restore the maximum amount of tree cover on developed and developing sites consistent with planned land use and good silvicultural practices.”

LAND USE ANALYSIS

The proposed renewal of this Agricultural and Forestal District is compatible with the existing and planned very low density residential character of this site and the surrounding area.

ENVIRONMENTAL ANALYSIS

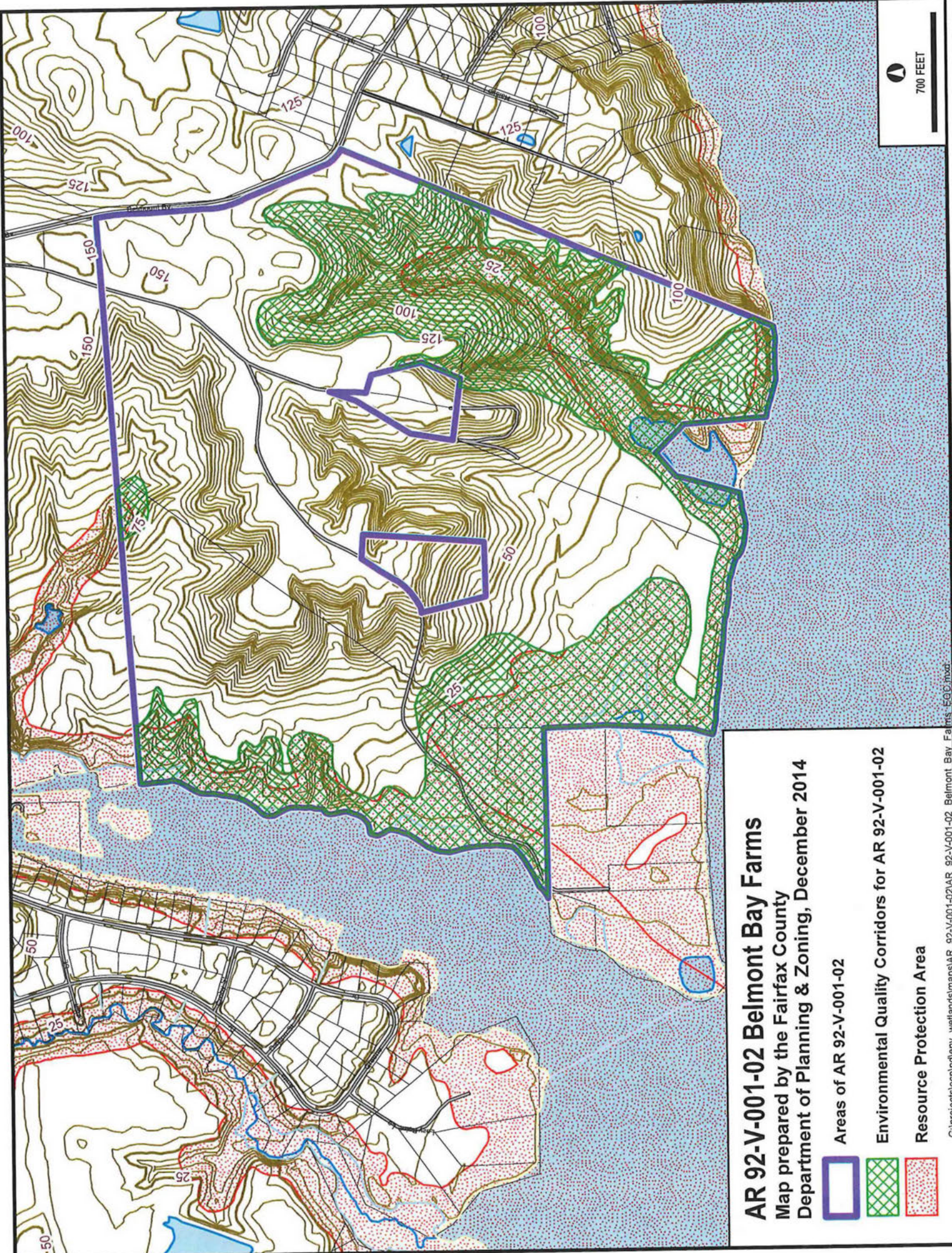
The property is subject to the County’s Chesapeake Bay Preservation Ordinance (CBPO), and a portion of the site contains a RPA as defined under the CBPO and is depicted on the attached map. An Environmental Quality Corridor (EQC) as defined under the Policy Plan is also located on the subject property and depicted on the attached map. The RPA/EQC is associated with tributaries on site. The EQC extends beyond the RPA and includes areas with steep slopes near the stream channels. The applicant should protect and enhance the EQC in order to be consistent with Comprehensive Plan guidance. Specifically, any agricultural and silvicultural activities should be conducted outside the limits of the EQC. If any prior disturbance has occurred in the EQC, the applicants are encouraged to restore this area in accordance with guidelines for restoration of the RPA established by the Northern Virginia Soil and Water Conservation District.

The application indicates that a Soil and Water Conservation Plan was filed with the Northern Virginia Soil and Water Conservation District in 1983. The applicant should provide a current Water Quality Management Plan for the renewal of this district.

While it does not appear that any significant changes are proposed with this application, staff would strongly encourage the applicant to implement recommendations in the Belmont Bay Farms Forestry Plan, as developed by Fairfax County’s Department of Forestry for the subject property, which is sensitive to the RPA areas designated on the property. EQC areas should also be incorporated into any implementation plan.

PGN: BJC

Attachment



AR 92-V-001-02 Belmont Bay Farms

Map prepared by the Fairfax County
Department of Planning & Zoning, December 2014

- Areas of AR 92-V-001-02
- Environmental Quality Corridors for AR 92-V-001-02
- Resource Protection Area



County of Fairfax, Virginia

MEMORANDUM

DATE: December 16, 2014

TO: Barbara Berlin, Director
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Angela Kadar Rodeheaver, Chief *MAK for AKR*
Site Analysis Section
Department of Transportation

FILE: 3-4 (AF 2014-MV-001)

SUBJECT: Transportation Impact

REFERENCE: AF 2014-MV-001; Jim Stokes
Land Identification Map: 113-3 ((1)) 12, 13, 14

This application would have no traffic impact. The Comprehensive Plan does recommend that Old Colchester Road be a two-lane road improved for sight distance and shoulders; however, no projects that would affect the site are included in current construction programs.

Therefore, this department has no objections to approval of this application.

AKR/lah

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

DATE: January 27, 2015

TO: Members, Planning Commission
Members, Board of Supervisors

FROM: Agricultural and Forestal Districts Advisory Committee

SUBJECT: Recommendations on the Belmont Bay Farms Statewide Agricultural and Forestal District; Application AR 92-V-001-02

The Agricultural and Forestal Districts Advisory Committee met on January 27, 2015 to review the application to renew the Belmont Bay Farms Statewide Agricultural and Forestal District (Application AR 92-V-001-02). The Committee found the following:

- The Belmont Bay Farms Statewide Agricultural and Forestal District meets the minimum district size contained in Section 114-1-3;
- The Belmont Bay Farms Statewide Agricultural and Forestal District conforms with the Policy and Purpose of Chapter 114 of the Fairfax County Code;
- The Belmont Bay Farms Statewide Agricultural and Forestal District fulfills all of the applicable criteria found in Chapter 114 of the Fairfax County Code.

The Agricultural and Forestal Districts Advisory Committee unanimously recommends that Appendix E of the Fairfax County Code be amended to renew the Belmont Bay Farms Statewide Agricultural and Forestal District. The Advisory Committee further recommends that the establishment of this district be subject to the Ordinance Provisions which are contained in Appendix 1 of the staff report.

Fairfax County Code, Chapter 114, Statewide A & F District provisions. For the full County Code please visit the Fairfax County website or view a copy in person at the Fairfax County Office of the Clerk to the Board of Supervisors.

ARTICLE 1 - In General

Section 114-1-1. Short title.

This chapter may be referred to as the "Agricultural and Forestal Districts of Statewide Significance Ordinance" of the County of Fairfax and is to become effective June 30, 1983. (12-83-114.)

Section 114-1-2. Policy and purpose.

It is the policy of Fairfax County to conserve and protect and to encourage the development and improvement of its important agricultural and forestal lands for the production of food and other agricultural and forestal products. It is also Fairfax County policy to conserve and protect agricultural and forestal lands as valued natural and ecological resources which provide essential open spaces for clean air sheds, watershed protection, wildlife habitat, as well as for aesthetic purposes. It is the purpose of this chapter to provide a means by which agricultural and forestal lands of statewide significance may be protected and enhanced as a viable segment of the State and local economy as an economic and environmental resource of major importance.

Section 114-1-3. Establishment of districts.

The Fairfax County Board of Supervisors may establish, modify, renew, continue and terminate agricultural, forestal or agricultural and forestal districts of statewide significance, which shall be at a minimum two hundred (200) acres in size, in accordance with the provisions of Chapter 36 of Title 15.1 of the Code of Virginia. (12-83-114; 42-88-114.)

Section 114-1-4. Criteria for the Establishment, Modification, Renewal, Continuation or Termination of a District.

The following criteria shall be used as a guide in recommendations and decisions on whether to establish, modify, renew, continue or terminate agricultural and forestal districts.

- (a) All district acreage should be currently devoted to agricultural use or forestal use or should be undeveloped and suitable for such uses, except that a reasonable amount of residential or other use related to the agricultural or forestal use may be included.
- (b) All lands in the district should be zoned to the R-P, R-C, R-A, or R-E District.

- (c) The district should be consistent with the Comprehensive Plan. The following land uses identified in the Plan are appropriate for a district: .1—.2 dwelling unit per acre, .2 dwelling unit per acre, .2—.5 dwelling unit per acre, Private Recreation, Private Open Space, Public Park, Agriculture, Environmental Quality Corridor.
- (d) A majority of the surrounding land within one-quarter mile or the district should be planned according to the Comprehensive Plan for uses identified in (c) above.
- (e) A majority of the existing surrounding land uses within one-quarter mile of the district should be agricultural, forestal, outdoor recreational, conservation or low density residential (.5 dwelling unit per acre or less).
- (f) Approximately two-thirds of the land in agricultural use in the district should contain Class I, II, III or IV soils as defined by the USDA Soil Conservation Service. Districts having more than one-third of the land in agricultural use containing Class V—VIII soils may be considered if such lands have been improved and are managed to reduce soil erosion, maintain soil nutrients, and reduce nonpoint source pollution.
- (g) There should be evidence of a history of investment in farm or forest improvements or other commitments to continuing agricultural or forestal use in the district. In particular, districts with no history of investments in farm or forest improvements must evidence a firm commitment to agricultural or forest use for at least the life of the district.
- (h) The district should not unreasonably hinder acquisition and construction of public roads, utilities and facilities needed to serve other areas of planned growth.
- (i) The district's core acreage should be reasonably compact in shape and should not contain within its perimeter a large number of parcels not included in the district.
- (j) All noncontiguous parcels in the district should contain at least five (5) acres of land in agricultural use or twenty (20) acres in forestal use. (12-83-114.)

Section 114-1-5. Requirements for agricultural and forestal value assessment.

Land used in agricultural and forestal production within an agricultural and forestal district of statewide significance shall automatically qualify for an agricultural and forestal use value assessment on such land pursuant to Chapter 4, Article 19, of the Fairfax County Code and Section 58-769.4 et seq. of the Code of Virginia, if the requirements for such assessment contained therein are satisfied. (12-83-114.)

ARTICLE 2 – Districts Established Under this Chapter

Section 114-2-1. District ordinances.

Ordinances establishing specific agricultural and forestal districts of statewide significance are listed in Appendix E. (12-83-114.)

APPLICABLE SECTIONS OF THE CODE OF VIRGINIA,
TITLE 58.1, CHAPTER 32 – REAL PROPERTY TAX
 (current as of September 12, 2013 –
 refer to online version of the Code for up-to-date information)

§ 58.1-3230. Special classifications of real estate established and defined.

For the purposes of this article the following special classifications of real estate are established and defined:

"Real estate devoted to agricultural use" shall mean real estate devoted to the bona fide production for sale of plants and animals useful to man under uniform standards prescribed by the Commissioner of Agriculture and Consumer Services in accordance with the Administrative Process Act (§ [2.2-4000](#) et seq.), or devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the federal government. Prior, discontinued use of property shall not be considered in determining its current use. Real estate upon which recreational activities are conducted for a profit or otherwise shall be considered real estate devoted to agricultural use as long as the recreational activities conducted on such real estate do not change the character of the real estate so that it does not meet the uniform standards prescribed by the Commissioner. Real property that has been designated as devoted to agricultural use shall not lose such designation solely because a portion of the property is being used for a different purpose pursuant to a special use permit or otherwise allowed by zoning, provided that the property, excluding such portion, otherwise meets all the requirements for such designation. The portion of the property being used for a different purpose pursuant to a special use permit or otherwise allowed by zoning shall be deemed a separate piece of property from the remaining property for purposes of assessment. The presence of utility lines on real property shall not be considered in determining whether the property, including the portion where the utility lines are located, is devoted to agricultural use. In determining whether real property is devoted to agricultural use, zoning designations and special use permits for the property shall not be the sole considerations.

"Real estate devoted to horticultural use" shall mean real estate devoted to the bona fide production for sale of fruits of all kinds, including grapes, nuts, and berries; vegetables; and nursery and floral products under uniform standards prescribed by the Commissioner of Agriculture and Consumer Services in accordance with the Administrative Process Act (§ [2.2-4000](#) et seq.), or real estate devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the federal government. Prior, discontinued use of property shall not be considered in determining its current use. Real estate upon which recreational activities are conducted for profit or otherwise shall be considered real estate devoted to horticultural use as long as the recreational activities conducted on such real estate do not change the character of the real estate so that it does not meet the uniform standards prescribed by the Commissioner. Real property that has been designated as devoted to horticultural use shall not lose such designation solely because a portion of the property is being used for a different purpose pursuant to a special use permit or otherwise allowed by zoning, provided that the property, excluding such portion, otherwise meets all the requirements for such designation. The portion of the property being used for a different purpose pursuant to a special use permit or otherwise allowed by zoning shall be deemed a separate piece of property from the remaining property for purposes of assessment. The presence of utility lines on real property shall not be considered in determining whether the property, including the portion where the utility lines are located, is devoted to horticultural use. In determining whether real property is devoted to horticultural use, zoning designations and special use permits for the property shall not be the sole considerations.

"Real estate devoted to forest use" shall mean land, including the standing timber and trees thereon, devoted to tree growth in such quantity and so spaced and maintained as to constitute a forest area under standards prescribed by the State Forester pursuant to the authority set out in § [58.1-3240](#) and in accordance with the Administrative Process Act (§ [2.2-4000](#) et seq.). Prior, discontinued use of property shall not be considered in determining its current use. Real estate upon which recreational activities are conducted for profit, or otherwise, shall still be considered real estate devoted to forest use as long as the recreational activities conducted on such real estate do not change the character of the real estate so that it no longer constitutes a forest area under standards prescribed by the State Forester pursuant to the authority set out in § [58.1-3240](#). Real property that has been designated as devoted to forest use shall not lose such designation solely because a portion of the property is being used for a different purpose pursuant to a special use permit or is otherwise allowed by zoning, provided that the property, excluding such portion, otherwise meets all the requirements for such designation. The portion of the property being used for a different purpose pursuant to a special use permit or otherwise allowed by zoning shall be deemed a separate piece of property from the remaining property for purposes of assessment. The presence of utility lines on real property shall not be considered in determining whether the property, including the portion where the utility lines are located, is devoted to forest use. In determining whether real property is devoted to forest use, zoning designations and special use permits for the property shall not be the sole considerations.

"Real estate devoted to open-space use" shall mean real estate used as, or preserved for, (i) park or recreational purposes, including public or private golf courses, (ii) conservation of land or other natural resources, (iii) floodways, (iv) wetlands as defined in § [58.1-3666](#), (v) riparian buffers as defined in § [58.1-3666](#), (vi) historic or scenic purposes, or (vii) assisting in the shaping of the character, direction, and timing of community development or for the public interest and consistent with the local land-use plan under uniform standards prescribed by the Director of the Department of Conservation and Recreation pursuant to the authority set out in § [58.1-3240](#) and in accordance with the Administrative Process Act (§ [2.2-4000](#) et seq.) and the local ordinance. Prior, discontinued use of property shall not be considered in determining its current use. Real property that has been designated as devoted to open-space use shall not lose such designation solely because a portion of the property is being used for a different purpose pursuant to a special use permit or is otherwise allowed by zoning, provided that the property, excluding such portion, otherwise meets all the requirements for such designation. The portion of the property being used for a different purpose pursuant to a special use permit or otherwise allowed by zoning shall be deemed a separate piece of property from the remaining property for purposes of assessment. The presence of utility lines on real property shall not be considered in determining whether the property, including the portion where the utility lines are located, is devoted to open-space use. In determining whether real property is devoted to open-space use, zoning designations and special use permits for the property shall not be the sole considerations.

§ 58.1-3233. Determinations to be made by local officers before assessment of real estate under ordinance.

Prior to the assessment of any parcel of real estate under any ordinance adopted pursuant to this article, the local assessing officer shall:

1. Determine that the real estate meets the criteria set forth in § [58.1-3230](#) and the standards prescribed thereunder to qualify for one of the classifications set forth therein, and he may request an opinion from the Director of the Department of Conservation and Recreation, the State Forester or the Commissioner of Agriculture and Consumer Services;
2. Determine further that real estate devoted solely to (i) agricultural or horticultural use consists of a minimum of five acres; except that for real estate used for purposes of engaging in aquaculture as defined in § [3.2-2600](#) or for the purposes of raising specialty crops as defined by local ordinance, the governing body may by ordinance prescribe that these uses consist of a minimum acreage of less than five acres, (ii) forest use consists of a minimum of 20 acres and (iii) open-space use consists of a minimum of five acres or such greater minimum acreage as may be prescribed by local ordinance; except that for real estate adjacent to a scenic river, a scenic highway, a Virginia Byway or public property in the Virginia Outdoors Plan or for any real estate in any city, county or town having a density of population greater than 5,000 per square mile, for any real estate in any county operating under the urban county executive form of government, or the unincorporated Town of Yorktown chartered in 1691, the governing body may by ordinance prescribe that land devoted to open-space uses consist of a minimum of one quarter of an acre.

The minimum acreage requirements for special classifications of real estate shall be determined by adding together the total area of contiguous real estate excluding recorded subdivision lots recorded after July 1, 1983, titled in the same ownership. However, for purposes of adding together such total area of contiguous real estate, any noncontiguous parcel of real property included in an agricultural, forestal, or an agricultural and forestal district of local significance pursuant to subsection B of § [15.2-4405](#) shall be deemed to be contiguous to any other real property that is located in such district. For purposes of this section, properties separated only by a public right-of-way are considered contiguous; and

3. Determine further that real estate devoted to open-space use is (i) within an agricultural, a forestal, or an agricultural and forestal district entered into pursuant to Chapter 43 (§ [15.2-4300](#) et seq.) of Title 15.2, or (ii) subject to a recorded perpetual easement that is held by a public body, and promotes the open-space use classification, as defined in § [58.1-3230](#), or (iii) subject to a recorded commitment entered into by the landowners with the local governing body, or its authorized designee, not to change the use to a nonqualifying use for a time period stated in the commitment of not less than four years nor more than 10 years. Such commitment shall be subject to uniform standards prescribed by the Director of the Department of Conservation and Recreation pursuant to the authority set out in § [58.1-3240](#). Such commitment shall run with the land for the applicable period, and may be terminated in the manner provided in § [15.2-4314](#) for withdrawal of land from an agricultural, a forestal or an agricultural and forestal district.

§ 58.1-3232. Authority of city to provide for assessment and taxation of real estate in newly annexed area.

The council of any city may adopt an ordinance to provide for the assessment and taxation of only the real estate in an area newly annexed to such city in accord with the provisions of this article. All of the provisions of this article shall be applicable to such ordinance, except that if the county from which such area was annexed has in operation an ordinance

hereunder, the ordinance of such city may be adopted at any time prior to April 1 of the year for which such ordinance will be effective, and applications from landowners may be received at any time within thirty days of the adoption of the ordinance in such year. If such ordinance is adopted after the date specified in § [58.1-3231](#), the ranges of suggested values made by the State Land Evaluation Advisory Council for the county from which such area was annexed are to be considered the value recommendations for such city. An ordinance adopted under the authority of this section shall be effective only for the tax year immediately following annexation.

§ 58.1-3233. Determinations to be made by local officers before assessment of real estate under ordinance.

Prior to the assessment of any parcel of real estate under any ordinance adopted pursuant to this article, the local assessing officer shall:

1. Determine that the real estate meets the criteria set forth in § [58.1-3230](#) and the standards prescribed thereunder to qualify for one of the classifications set forth therein, and he may request an opinion from the Director of the Department of Conservation and Recreation, the State Forester or the Commissioner of Agriculture and Consumer Services;
2. Determine further that real estate devoted solely to (i) agricultural or horticultural use consists of a minimum of five acres; except that for real estate used for purposes of engaging in aquaculture as defined in § [3.2-2600](#) or for the purposes of raising specialty crops as defined by local ordinance, the governing body may by ordinance prescribe that these uses consist of a minimum acreage of less than five acres, (ii) forest use consists of a minimum of 20 acres and (iii) open-space use consists of a minimum of five acres or such greater minimum acreage as may be prescribed by local ordinance; except that for real estate adjacent to a scenic river, a scenic highway, a Virginia Byway or public property in the Virginia Outdoors Plan or for any real estate in any city, county or town having a density of population greater than 5,000 per square mile, for any real estate in any county operating under the urban county executive form of government, or the unincorporated Town of Yorktown chartered in 1691, the governing body may by ordinance prescribe that land devoted to open-space uses consist of a minimum of one quarter of an acre.

The minimum acreage requirements for special classifications of real estate shall be determined by adding together the total area of contiguous real estate excluding recorded subdivision lots recorded after July 1, 1983, titled in the same ownership. *However, for purposes of adding together such total area of contiguous real estate, any noncontiguous parcel of real property included in an agricultural, forestal, or an agricultural and forestal district of local significance pursuant to subsection B of § [15.2-4405](#) shall be deemed to be contiguous to any other real property that is located in such district.* For purposes of this section, properties separated only by a public right-of-way are considered contiguous; and

3. Determine further that real estate devoted to open-space use is (i) within an agricultural, a forestal, or an agricultural and forestal district entered into pursuant to Chapter 43 (§ [15.2-4300](#) et seq.) of Title 15.2, or (ii) subject to a recorded perpetual easement that is held by a public body, and promotes the open-space use classification, as defined in § [58.1-3230](#), or (iii) subject to a recorded commitment entered into by the landowners with the local governing body, or its authorized designee, not to change the use to a nonqualifying use for a time period stated in the commitment of not less than four years nor more than ten years. Such commitment shall be subject to uniform standards prescribed by the Director of the Department of Conservation and Recreation pursuant to the authority set out in § [58.1-3240](#). Such commitment shall run with the land for the applicable period, and may be terminated in the manner provided in § 15.1-1513 for withdrawal of land from an agricultural, a forestal or an agricultural and forestal district.

§ 58.1-3234. Application by property owners for assessment, etc., under ordinance; continuation of assessment, etc.

Property owners must submit an application for taxation on the basis of a use assessment to the local assessing officer:

1. At least sixty days preceding the tax year for which such taxation is sought; or
2. In any year in which a general reassessment is being made, the property owner may submit such application until thirty days have elapsed after his notice of increase in assessment is mailed in accordance with § [58.1-3330](#), or sixty days preceding the tax year, whichever is later; or
3. In any locality which has adopted a fiscal tax year under Chapter 30 (§ [58.1-3000](#) et seq.) of this Subtitle III, but continues to assess as of January 1, such application must be submitted for any year at least sixty days preceding the effective date of the assessment for such year.

The governing body, by ordinance, may permit applications to be filed within no more than sixty days after the filing deadline specified herein, upon the payment of a late filing fee to be established by the governing body. An individual who is owner of an undivided interest in a parcel may apply on behalf of himself and the other owners of such parcel upon submitting an affidavit that such other owners are minors or cannot be located. An application shall be submitted whenever the use or acreage of such land previously approved changes; however, no application fee may be required when a change in acreage occurs solely as a result of a conveyance necessitated by governmental action or condemnation of a portion of any land previously approved for taxation on the basis of use assessment. The governing body of any county, city or town may, however, require any such property owner to revalidate annually with such locality, on or before the date on which the last installment of property tax prior to the effective date of the assessment is due, on forms prepared by the locality, any applications previously approved. Each locality which has adopted an ordinance hereunder may provide for the imposition of a revalidation fee every sixth year. Such revalidation fee shall not, however, exceed the application fee currently charged by the locality. The governing body may also provide for late filing of revalidation forms on or before the effective date of the assessment, on payment of a late filing fee. Forms shall be prepared by the State Tax Commissioner and supplied to the locality for use of the applicants and applications shall be submitted on such forms. An application fee may be required to accompany all such applications.

In the event of a material misstatement of facts in the application or a material change in such facts prior to the date of assessment, such application for taxation based on use assessment granted thereunder shall be void and the tax for such year extended on the basis of value determined under § [58.1-3236](#) D. Except as provided by local ordinance, no application for assessment based on use shall be accepted or approved if, at the time the application is filed, the tax on the land affected is delinquent. Upon the payment of all delinquent taxes, including penalties and interest, the application shall be treated in accordance with the provisions of this section.

Continuation of valuation, assessment and taxation under an ordinance adopted pursuant to this article shall depend on continuance of the real estate in a qualifying use, continued payment of taxes as referred to in § [58.1-3235](#), and compliance with the other requirements of this article and the ordinance and not upon continuance in the same owner of title to the land.

In the event that the locality provides for a sliding scale under an ordinance, the property owner and the locality shall execute a written agreement which sets forth the period of time that the property shall remain within the classes of real estate set forth in § [58.1-3230](#). The term of the written agreement shall be for a period not exceeding twenty years, and the instrument shall be recorded in the office of the clerk of the circuit court for the locality in which the subject property is located.

§ 58.1-3235. Removal of parcels from program if taxes delinquent.

If on April 1 of any year the taxes for any prior year on any parcel of real property which has a special assessment as provided for in this article are delinquent, the appropriate county, city or town treasurer shall forthwith send notice of that fact and the general provisions of this section to the property owner by first-class mail. If, after the notice has been sent, such delinquent taxes remain unpaid on June 1, the treasurer shall notify the appropriate commissioner of the revenue who shall remove such parcel from the land use program. Such removal shall become effective for the current tax year.

§ 58.1-3236. Valuation of real estate under ordinance.

A. In valuing real estate for purposes of taxation by any county, city or town which has adopted an ordinance pursuant to this article, the commissioner of the revenue or duly appointed assessor shall consider only those indicia of value which such real estate has for agricultural, horticultural, forest or open space use, and real estate taxes for such jurisdiction shall be extended upon the value so determined. In addition to use of his personal knowledge, judgment and experience as to the value of real estate in agricultural, horticultural, forest or open space use, he shall, in arriving at the value of such land, consider available evidence of agricultural, horticultural, forest or open space capability, and the recommendations of value of such real estate as made by the State Land Evaluation Advisory Council.

B. In determining the total area of real estate actively devoted to agricultural, horticultural, forest or open space use there shall be included the area of all real estate under barns, sheds, silos, cribs, greenhouses, public recreation facilities and like structures, lakes, dams, ponds, streams, irrigation ditches and like facilities; but real estate under, and such additional real estate as may be actually used in connection with, the farmhouse or home or any other structure not related to such special use, shall be excluded in determining such total area.

C. All structures which are located on real estate in agricultural, horticultural, forest or open space use and the farmhouse or home or any other structure not related to such special use and the real estate on which the farmhouse or home or such other

structure is located, together with the additional real estate used in connection therewith, shall be valued, assessed and taxed by the same standards, methods and procedures as other taxable structures and other real estate in the locality.

D. In addition, such real estate in agricultural, horticultural, forest or open space use shall be evaluated on the basis of fair market value as applied to other real estate in the taxing jurisdiction, and land book records shall be maintained to show both the use value and the fair market value of such real estate.

§ 58.1-3237. Change in use or zoning of real estate assessed under ordinance; roll-back taxes.

A. When real estate qualifies for assessment and taxation on the basis of use under an ordinance adopted pursuant to this article, and the use by which it qualified changes to a nonqualifying use, or the zoning of the real estate is changed to a more intensive use at the request of the owner or his agent, it shall be subject to additional taxes, hereinafter referred to as roll-back taxes. Such additional taxes shall only be assessed against that portion of such real estate which no longer qualifies for assessment and taxation on the basis of use or zoning. Liability for roll-back taxes shall attach and be paid to the treasurer only if the amount of tax due exceeds ten dollars.

B. In localities which have not adopted a sliding scale ordinance, the roll-back tax shall be equal to the sum of the deferred tax for each of the five most recent complete tax years including simple interest on such roll-back taxes at a rate set by the governing body, no greater than the rate applicable to delinquent taxes in such locality pursuant to § [58.1-3916](#) for each of the tax years. The deferred tax for each year shall be equal to the difference between the tax levied and the tax that would have been levied based on the fair market value assessment of the real estate for that year. In addition the taxes for the current year shall be extended on the basis of fair market value which may be accomplished by means of a supplemental assessment based upon the difference between the use value and the fair market value.

C. In localities which have adopted a sliding scale ordinance, the roll-back tax shall be equal to the sum of the deferred tax from the effective date of the written agreement including simple interest on such roll-back taxes at a rate set by the governing body, which shall not be greater than the rate applicable to delinquent taxes in such locality pursuant to § [58.1-3916](#), for each of the tax years. The deferred tax for each year shall be equal to the difference between the tax levied and the tax that would have been levied based on the fair market value assessment of the real estate for that year and based on the highest tax rate applicable to the real estate for that year, had it not been subject to special assessment. In addition the taxes for the current year shall be extended on the basis of fair market value which may be accomplished by means of a supplemental assessment based upon the difference between the use value and the fair market value and based on the highest tax rate applicable to the real estate for that year.

D. Liability to the roll-back taxes shall attach when a change in use occurs, or a change in zoning of the real estate to a more intensive use at the request of the owner or his agent occurs. Liability to the roll-back taxes shall not attach when a change in ownership of the title takes place if the new owner does not rezone the real estate to a more intensive use and continues the real estate in the use for which it is classified under the conditions prescribed in this article and in the ordinance. The owner of any real estate which has been zoned to more intensive use at the request of the owner or his agent as provided in subsection E, or otherwise subject to or liable for roll-back taxes, shall, within sixty days following such change in use or zoning, report such change to the commissioner of the revenue or other assessing officer on such forms as may be prescribed. The commissioner shall forthwith determine and assess the roll-back tax, which shall be assessed against and paid by the owner of the property at the time the change in use which no longer qualifies occurs, or at the time of the zoning of the real estate to a more intensive use at the request of the owner or his agent occurs, and shall be paid to the treasurer within thirty days of the assessment. If the amount due is not paid by the due date, the treasurer shall impose a penalty and interest on the amount of the roll-back tax, including interest for prior years. Such penalty and interest shall be imposed in accordance with §§ 58.1-3915 and 58.1-3916.

E. Real property zoned to a more intensive use, at the request of the owner or his agent, shall be subject to and liable for the roll-back tax at the time such zoning is changed. The roll-back tax shall be levied and collected from the owner of the real estate in accordance with subsection D. Real property zoned to a more intensive use before July 1, 1988, at the request of the owner or his agent, shall be subject to and liable for the roll-back tax at the time the qualifying use is changed to a nonqualifying use. Real property zoned to a more intensive use at the request of the owner or his agent after July 1, 1988, shall be subject to and liable for the roll-back tax at the time of such zoning. Said roll-back tax, plus interest calculated in accordance with subsection B, shall be levied and collected at the time such property was rezoned. For property rezoned after July 1, 1988, but before July 1, 1992, no penalties or interest, except as provided in subsection B, shall be assessed, provided the said roll-back tax is paid on or before October 1, 1992. No real property rezoned to a more intensive use at the request of the owner or his agent shall be eligible for taxation and assessment under this article, provided that these provisions shall not be applicable to any rezoning which is required for the establishment, continuation, or expansion of a qualifying use. If the

property is subsequently rezoned to agricultural, horticultural, or open space, it shall be eligible for consideration for assessment and taxation under this article only after three years have passed since the rezoning was effective.

However, the owner of any real property that qualified for assessment and taxation on the basis of use, and whose real property was rezoned to a more intensive use at the owner's request prior to 1980, may be eligible for taxation and assessment under this article provided the owner applies for rezoning to agricultural, horticultural, open-space or forest use. The real property shall be eligible for assessment and taxation on the basis of the qualifying use for the tax year following the effective date of the rezoning. If any such real property is subsequently rezoned to a more intensive use at the owner's request, within five years from the date the property was initially rezoned to a qualifying use under this section, the owner shall be liable for roll-back taxes when the property is rezoned to a more intensive use. Additionally, the owner shall be subject to a penalty equal to fifty percent of the roll-back taxes due as determined under subsection B of this section.

The roll-back taxes and penalty that otherwise would be imposed under this subsection shall not become due at the time the zoning is changed if the locality has enacted an ordinance pursuant to subsection G.

F. If real estate annexed by a city and granted use value assessment and taxation becomes subject to roll-back taxes, and such real estate likewise has been granted use value assessment and taxation by the county prior to annexation, the city shall collect roll-back taxes and interest for the maximum period allowed under this section and shall return to the county a share of such taxes and interest proportionate to the amount of such period, if any, for which the real estate was situated in the county.

G. A locality may enact an ordinance providing that (i) when a change in zoning of real estate to a more intensive use at the request of the owner or his agent occurs, roll-back taxes shall not become due solely because the change in zoning is for specific more intensive uses set forth in the ordinance, (ii) such real estate may remain eligible for use value assessment and taxation, in accordance with the provisions of this article, as long as the use by which it qualified does not change to a nonqualifying use, and (iii) no roll-back tax shall become due with respect to the real estate until such time as the use by which it qualified changes to a nonqualifying use.

§ 58.1-3237.1. Authority of counties to enact additional provisions concerning zoning classifications.

A. Albemarle County, Arlington County, Augusta County, James City County, Loudoun County, and Rockingham County may include the following additional provisions in any ordinance enacted under the authority of this article:

1. The governing body may exclude land lying in planned development, industrial or commercial zoning districts from assessment under the provisions of this article. As applied to zoning districts, this provision applies only to zoning districts established prior to January 1, 1981.

2. The governing body may provide that when the zoning of the property taxed under the provisions of this article is changed to allow a more intensive nonagricultural use at the request of the owner or his agent, such property shall not be eligible for assessment and taxation under this article. This shall not apply, however, to property that is zoned agricultural and is subsequently rezoned to a more intensive use that is complementary to agricultural use, provided such property continues to be owned by the same owner who owned the property prior to rezoning and continues to operate the agricultural activity on the property. Notwithstanding any other provision of law, such property shall be subject to and liable for roll-back taxes at the time the zoning is changed to allow any use more intensive than the use for which it qualifies for special assessment. The roll-back tax, plus interest, shall be calculated, levied and collected from the owner of the real estate in accordance with § [58.1-3237](#) at the time the property is rezoned.

B. Goochland County may include additional provisions specified in subdivisions A 1 and 2 in any ordinance enacted under the authority of this article, but only in service districts created after July 1, 2013, pursuant to Article 1 (§ [15.2-2400](#) et seq.) of Chapter 24 of Title 15.2.

§ 58.1-3238. Failure to report change in use; misstatements in applications.

Any person failing to report properly any change in use of property for which an application for use value taxation had been filed shall be liable for all such taxes, in such amounts and at such times as if he had complied herewith and assessments had been properly made, and he shall be liable for such penalties and interest thereon as may be provided by ordinance. Any person making a material misstatement of fact in any such application shall be liable for all such taxes, in such amounts and at such times as if such property had been assessed on the basis of fair market value as applied to other real estate in the taxing jurisdiction, together with interest and penalties thereon. If such material misstatement was made with the intent to defraud the locality, he shall be further assessed with an additional penalty of 100 percent of such unpaid taxes.

For purposes of this section and § [58.1-3234](#), incorrect information on the following subjects will be considered material misstatements of fact:

1. The number and identities of the known owners of the property at the time of application;
2. The actual use of the property.

The intentional misrepresentation of the number of acres in the parcel or the number of acres to be taxed according to use shall also be considered a material misstatement of fact for the purposes of this section and § 58.1-3234.

§ 58.1-3239. State Land Evaluation Advisory Committee continued as State Land Evaluation Advisory Council; membership; duties; ordinances to be filed with Council.

The State Land Evaluation Advisory Committee is continued and shall hereafter be known as the State Land Evaluation Advisory Council. The Advisory Council shall be composed of the Tax Commissioner, the dean of the College of Agriculture of Virginia Polytechnic Institute and State University, the State Forester, the Commissioner of Agriculture and Consumer Services and the Director of the Department of Conservation and Recreation.

The Advisory Council shall determine and publish a range of suggested values for each of the several soil conservation service land capability classifications for agricultural, horticultural, forest and open space uses in the various areas of the Commonwealth as needed to carry out the provisions of this article.

On or before October 1 of each year the Advisory Council shall submit recommended ranges of suggested values to be effective the following January 1 or July 1 in the case of localities with fiscal year assessment under the authority of Chapter 30 of this subtitle, within each locality which has adopted an ordinance pursuant to the provisions of this article based on the productive earning power of real estate devoted to agricultural, horticultural, forest and open space uses and make such recommended ranges available to the commissioner of the revenue or duly appointed assessor in each such locality.

The Advisory Council, in determining such ranges of values, shall base the determination on productive earning power to be determined by capitalization of warranted cash rents or by the capitalization of incomes of like real estate in the locality or a reasonable area of the locality.

Any locality adopting an ordinance pursuant to this article shall forthwith file a copy thereof with the Advisory Council.

§ 58.1-3240. Duties of Director of the Department of Conservation and Recreation, the State Forester and the Commissioner of Agriculture and Consumer Services; remedy of person aggrieved by action or nonaction of Director, State Forester or Commissioner.

The Director of the Department of Conservation and Recreation, the State Forester, and the Commissioner of Agriculture and Consumer Services shall provide, after holding public hearings, to the commissioner of the revenue or duly appointed assessor of each locality adopting an ordinance pursuant to this article, a statement of the standards referred to in § [58.1-3230](#) and subdivision 1 of § [58.1-3233](#), which shall be applied uniformly throughout the Commonwealth in determining whether real estate is devoted to agricultural use, horticultural use, forest use or open-space use for the purposes of this article and the procedure to be followed by such official to obtain the opinion referenced in subdivision 1 of § [58.1-3233](#). Upon the refusal of the Commissioner of Agriculture and Consumer Services, the State Forester or the Director of the Department of Conservation and Recreation to issue an opinion or in the event of an unfavorable opinion which does not comport with standards set forth in the statements filed pursuant to this section, the party aggrieved may seek relief in the circuit court of the county or city wherein the real estate in question is located, and in the event that the court finds in his favor, it may issue an order which shall serve in lieu of an opinion for the purposes of this article.

§ 58.1-3241. Separation of part of real estate assessed under ordinance; contiguous real estate located in more than one taxing locality.

A. Separation or split-off of lots, pieces or parcels of land from the real estate which is being valued, assessed and taxed under an ordinance adopted pursuant to this article, either by conveyance or other action of the owner of such real estate, shall subject the real estate so separated to liability for the roll-back taxes applicable thereto, but shall not impair the right

of each subdivided parcel of such real estate to qualify for such valuation, assessment and taxation in any and all future years, provided it meets the minimum acreage requirements and such other conditions of this article as may be applicable. Such separation or split-off of lots shall not impair the right of the remaining real estate to continuance of such valuation, assessment and taxation without liability for roll-back taxes, provided it meets the minimum acreage requirements and other applicable conditions of this article.

B. 1. No subdivision, separation, or split-off of property which results in parcels that meet the minimum acreage requirements of this article, and that are used for one or more of the purposes set forth in § [58.1-3230](#), shall be subject to the provisions of subsection A.

2. The application of roll-back taxes pursuant to subsection A shall, at the option of the locality, also not apply to a subdivision, separation, or split-off of property made pursuant to a subdivision ordinance adopted under § [15.2-2244](#) that results in parcels that do not meet the minimum acreage requirements of this article, provided that title to the parcels subdivided, separated, or split-off is held in the name of an immediate family member for at least the first 60 months immediately following the subdivision, separation, or split-off.

For purposes of this subdivision, an "immediate family member" means any person defined as such in the locality's subdivision ordinance adopted pursuant to § [15.2-2244](#).

C. Where contiguous real estate in agricultural, horticultural, forest or open-space use in one ownership is located in more than one taxing locality, compliance with the minimum acreage shall be determined on the basis of the total area of such real estate and not the area which is located in the particular taxing locality.

§ 58.1-3242. Taking of real estate assessed under ordinance by right of eminent domain.

The taking of real estate which is being valued, assessed and taxed under an ordinance adopted pursuant to this article by right of eminent domain shall not subject the real estate so taken to the roll-back taxes herein imposed.

§ 58.1-3243. Application of other provisions of Title 58.1.

The provisions of this title applicable to local levies and real estate assessment and taxation shall be applicable to assessments and taxation hereunder mutatis mutandis including, without limitation, provisions relating to tax liens, boards of equalization and the correction of erroneous assessments and for such purposes the roll-back taxes shall be considered to be deferred real estate taxes.

§ 58.1-3244. Article not in conflict with requirements for preparation and use of true values.

Nothing in this article shall be construed to be in conflict with the requirements for preparation and use of true values where prescribed by the General Assembly for use in any fund distribution formula.

GLOSSARY

This Glossary is provided to assist the public in understanding the staff evaluation and analysis of development proposals. It should not be construed as representing legal definitions. Refer to the Fairfax County Zoning Ordinance, Comprehensive Plan or Public Facilities Manual for additional information.

ABANDONMENT: Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.

ACCESSORY DWELLING UNIT (OR APARTMENT): A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT: Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.

AGRICULTURAL AND FORESTAL DISTRICTS: A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

BARRIER: A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.

BEST MANAGEMENT PRACTICES (BMPs): Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by nonpoint sources in order to improve water quality.

BUFFER: Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.

CHESAPEAKE BAY PRESERVATION ORDINANCE: Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.

CLUSTER DEVELOPMENT: Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted by the applicable zoning district. See Sect. 2-421 and Sect. 9-615 of the Zoning Ordinance.

COUNTY 2232 REVIEW PROCESS: A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

dBA: The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dBA value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.

DENSITY: Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.

DENSITY BONUS: An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.

DEVELOPMENT CONDITIONS: Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

DEVELOPMENT PLAN: A graphic representation which depicts the nature and character of the development proposed for a specific land area: information such as topography, location and size of proposed structures, location of streets trails, utilities, and storm drainage are generally included on a development plan. A development plan is a submission requirement for rezoning to the PRC District. A **GENERALIZED DEVELOPMENT PLAN (GDP)** is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A **CONCEPTUAL DEVELOPMENT PLAN (CDP)** is a submission requirement when filing a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A **FINAL DEVELOPMENT PLAN (FDP)** is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

EASEMENT: A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, utility easement, construction easement, etc. Easements may be for public or private purposes.

ENVIRONMENTAL QUALITY CORRIDORS (EQCs): An open space system designed to link and preserve natural resource areas, provide passive recreation and protect wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Vol. 1 of the Comprehensive Plan.

ERODIBLE SOILS: Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

FLOODPLAIN: Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

FLOOR AREA RATIO (FAR): An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

FUNCTIONAL CLASSIFICATION: A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways, Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

GEOTECHNICAL REVIEW: An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

HYDROCARBON RUNOFF: Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff, and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

IMPERVIOUS SURFACE: Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

INFILL: Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

INTENSITY: The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

Ldn: Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measurement assigns a "penalty" to night time noise to account for night time sensitivity. Ldn represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

LEVEL OF SERVICE (LOS): An estimate of the effectiveness of a roadway to carry traffic, usually under anticipated peak traffic conditions. Level of Service efficiency is generally characterized by the letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

MARINE CLAY SOILS: Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.

OPEN SPACE: That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may function as a buffer between land uses or for scenic, environmental, or recreational purposes.

OPEN SPACE EASEMENT: An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request of the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700, et seq.

P DISTRICT: A "P" district refers to land that is planned and/or developed as a Planned Development Housing (PDH) District, a Planned Development Commercial (PDC) District or a Planned Residential Community (PRC) District. The PDH, PDC and PRC Zoning Districts are established to encourage innovative and creative design for land development; to provide ample and efficient use of open space; to promote a balance in the mix of land uses, housing types, and intensity of development; and to allow maximum flexibility in order to achieve excellence in physical, social and economic planning and development of a site. Refer to Articles 6 and 16 of the Zoning Ordinance.

PROFFER: A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.2-2303 (formerly 15.1-491) of the Code of Virginia.

PUBLIC FACILITIES MANUAL (PFM): A technical text approved by the Board of Supervisors containing guidelines and standards which govern the design and construction of site improvements incorporating applicable Federal, State and County Codes, specific standards of the Virginia Department of Transportation and the County's Department of Public Works and Environmental Services.

RESOURCE MANAGEMENT AREA (RMA): That component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

RESOURCE PROTECTION AREA (RPA): That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

SITE PLAN: A detailed engineering plan, to scale, depicting the development of a parcel of land and containing all information required by Article 17 of the Zoning Ordinance. Generally, submission of a site plan to DPWES for review and approval is required for all residential, commercial and industrial development except for development of single family detached dwellings. The site plan is required to assure that development complies with the Zoning Ordinance.

SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP): Uses, which by their nature, can have an undue impact upon or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors; a special permit requires a public hearing and approval by the Board of Zoning Appeals. Unlike proffers which are voluntary, the Board of Supervisors or BZA may impose reasonable conditions to assure, for example, compatibility and safety. See Article 8, Special Permits and Article 9, Special Exceptions, of the Zoning Ordinance.

STORMWATER MANAGEMENT: Engineering practices that are incorporated into the design of a development in order to mitigate or abate adverse water quantity and water quality impacts resulting from development. Stormwater management systems are designed to slow down or retain runoff to re-create, as nearly as possible, the pre-development flow conditions.

SUBDIVISION PLAT: The engineering plan for a subdivision of land submitted to DPWES for review and approved pursuant to Chapter 101 of the County Code.

TRANSPORTATION DEMAND MANAGEMENT (TDM): Actions taken to reduce single occupant vehicle automobile trips or actions taken to manage or reduce overall transportation demand in a particular area.

TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROGRAMS: This term is used to describe a full spectrum of actions that may be applied to improve the overall efficiency of the transportation network. TSM programs usually consist of low-cost alternatives to major capital expenditures, and may include parking management measures, ridesharing programs, flexible or staggered work hours, transit promotion or operational improvements to the existing roadway system. TSM includes Transportation Demand Management (TDM) measures as well as H.O.V. use and other strategies associated with the operation of the street and transit systems.

URBAN DESIGN: An aspect of urban or suburban planning that focuses on creating a desirable environment in which to live, work and play. A well-designed urban or suburban environment demonstrates the four generally accepted principles of design: clearly identifiable function for the area; easily understood order; distinctive identity; and visual appeal.

VACATION: Refers to vacation of street or road as an action taken by the Board of Supervisors in order to abolish the public's right-of-passage over a road or road right-of-way dedicated by a plat of subdivision. Upon vacation, title to the road right-of-way transfers by operation of law to the owner(s) of the adjacent properties within the subdivision from whence the road/road right-of-way originated.

VARIANCE: An application to the Board of Zoning Appeals which seeks relief from a specific zoning regulation such as lot width, building height, or minimum yard requirements, among others. A variance may only be granted by the Board of Zoning Appeals through the public hearing process and upon a finding by the BZA that the variance application meets the required Standards for a Variance set forth in Sect. 18-404 of the Zoning Ordinance.

WETLANDS: Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corps of Engineers

TIDAL WETLANDS: Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code: includes tidal shores and tidally influenced embayments, creeks, and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

Abbreviations Commonly Used in Staff Reports

A&F	Agricultural & Forestal District	PDH	Planned Development Housing
ADU	Affordable Dwelling Unit	PFM	Public Facilities Manual
ARB	Architectural Review Board	PRC	Planned Residential Community
BMP	Best Management Practices	RC	Residential-Conservation
BOS	Board of Supervisors	RE	Residential Estate
BZA	Board of Zoning Appeals	RMA	Resource Management Area
COG	Council of Governments	RPA	Resource Protection Area
CBC	Community Business Center	RUP	Residential Use Permit
CDP	Conceptual Development Plan	RZ	Rezoning
CRD	Commercial Revitalization District	SE	Special Exception
DOT	Department of Transportation	SEA	Special Exception Amendment
DP	Development Plan	SP	Special Permit
DPWES	Department of Public Works and Environmental Services	TDM	Transportation Demand Management
DPZ	Department of Planning and Zoning	TMA	Transportation Management Association
DU/AC	Dwelling Units Per Acre	TSA	Transit Station Area
EQC	Environmental Quality Corridor	TSM	Transportation System Management
FAR	Floor Area Ratio	UP & DD	Utilities Planning and Design Division, DPWES
FDP	Final Development Plan	VC	Variance
GDP	Generalized Development Plan	VDOT	Virginia Dept. of Transportation
GFA	Gross Floor Area	VPD	Vehicles Per Day
HC	Highway Corridor Overlay District	VPH	Vehicles per Hour
HCD	Housing and Community Development	WMATA	Washington Metropolitan Area Transit Authority
LOS	Level of Service	WS	Water Supply Protection Overlay District
Non-RUP	Non-Residential Use Permit	ZAD	Zoning Administration Division, DPZ
OSDS	Office of Site Development Services, DPWES	ZED	Zoning Evaluation Division, DPZ
PCA	Proffered Condition Amendment	ZPRB	Zoning Permit Review Branch
PD	Planning Division		
PDC	Planned Development Commercial		